University of Alberta

Disengagement: The Orientalist Shift in Canada's China Policy

by

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Canada

TABLE OF CONTENTS

Introduction	1
Chapter One: Theoretical Considerations	9
Canada as an Orientalist Subject	13
Canadian Human Rights Discourse as Orientalist	18
China as an Orientalist Object	23
The Asian Values Counter-Discourse	24
Chapter Two: Canada's China Policy Shift	30
Canada's China Policy, pre-2006	32
Canada's China Policy, post-2006	39
Discourse by Canadian Government Officials	46
Reassessment of the Bilateral Human Rights Dialogue	48
The Subcommittee on International Human Rights Hearings	51
China's Response to the post-2006 Discourse	55
Chapter Three: Orientalism and the Canadian Media	59
On Objectivity and the Media	60
The Canadian Media as Orientalist	64
The Globe and Mail on China and Human Rights	70
Chapter Four: China Policy Outcomes: The Huseyin Celil Case	83
The Detainment of Huseyin Celil: The Uighur Case	86
Canada's Public Position on the Celil Case	93
China's Response to Canada's Appeals	97
Conclusion	102

TABLE OF CONTENTS

Endnotes 106

Bibliography 112

INTRODUCTION

Since their inception in 1970, bilateral relations between Canada and China have been generally positive, and while economic issues have nominally been the cornerstone of the relationship, its political aspect has become increasingly significant as the relationship has deepened, and as Canadian—and international—concerns for human rights have increased as well. Indeed, the relationship has grown significantly since its inception in 1970; while Canada was among the earliest of Western nations to establish formal ties with the People's Republic, it did not generally loom on the radar until the mid-1990s, when it became an economic factor for Canada, propelled primarily by economic modernization of the East Asian country. Prime Minister Trudeau was key to the early relationship, at the helm when Canada made the official move to set down formal ties with China.[1]

Relations, of course, plummeted after the events at Tiananmen Square in 1989, but they had largely improved by about 1993, when the two countries re-established stronger ties, largely due to the personal roles played by their respective leaders at the time. And so they continued, until about 2006, when again Canada has found itself struggling to define Sino-Canadian relations amid a new governmental ideological perspective on China and Canada's responsibilities as a moral leader in the world. This change, of course, has been brought about by other factors as well. In part, this has been due to the low priority given to China by the new government, particularly in comparison to the high level attention which previous governments had paid to that country. And it is also important to note that by 2008, the Canadian government has made a greater effort to improve bilateral relations, as demonstrated

by the statements of newly-appointed Foreign Affairs Minister David Emerson, though the Prime Minister himself has yet to visit China.[2] In addition, domestic perceptions have figured into the China policy; popular views in Canada of the Chinese state are rather negative, particularly in regard to issues such as economic relations and human rights. This is another stark difference between past and present; whereas today the regime in China is viewed with some degree of suspicion, Canadians in the past viewed China in an unsophisticated and exoticized light.[3]

Other challenges also persist within the relationship, and these all factor into Canada's approach toward China. These includes the strategic challenge of China to Canada's defence priorities, as China grows into a legitimate world power. But perhaps the most important, in terms of challenges, is the perceived "values challenge" between Canada and China, which certainly includes the issue of human rights, but also questions China's international activities, such as its support for authoritarian regimes in Africa. And, finally, there is the challenge of the Chinese diaspora in Canada, which must be considered as a central factor in Canada's consular relations with China and which sits at the centre of the Huseyin Celil case, which will be discussed in chapter four of this thesis.[4]

To be sure, the factors discussed above all play a role in the shaping of Canada's China policy, which remains an informal policy which has not been set out in any official terms but which is identifiable by the actions and statements of Canadian government officials concerning that country. And it is on this "non-policy" that this thesis will focus, as a comparison to the policies of previous Canadian governments and which has taken a markedly different turn from that of past years. In particular, I will

examine the primary focus that has been allotted to human rights within that policy, and which seeks to publicly pressure the Chinese government to modify its practices in response; it is a policy which is distinguished principally by its use of a human rights discourse which is enunciated by Canadian government officials and later reproduced in the Canadian media.

Chapter one of this thesis will consist of a theoretical analysis of Canada and China as respective Orientalist subjects and objects within the discourse of Canada's China policy. Traditionally, post-colonial analyses have focused on European or American domination of the East, yet I would argue, following the work of Laura MacDonald and Jane Jacobs, that countries such as Canada can equally serve as the sites for discourses of domination. As the work of Jacobs and MacDonald demonstrate, white settler colonies such as Canada developed under the supremacy of Empire, benefitting from a heightened status and its corresponding privilege. Thus Canada's early experiences in international relations were grounded within a hierarchical world order from which the young country profited, and which served as the foundation for an ideological perspective that promoted this division of global affairs wherein countries were, through the imperialist order, grouped based on varying levels of advantage and opportunity. MacDonald's analysis centres on Canada's foreign development policy as Orientalist, and this serves as a point of departure for my own discussion of Canadian foreign policy and in particular Canada's China policy, which reflects this world view.

Just as Canada approaches its bilateral relationship with China through an Orientalist perspective, China can also be situated within that theoretical paradigm. Using the work of Rey Chow, I argue that China's own history of semi-colonial

domination by the West has continued to serve as a foundation for its own world view, wherein any perceived interference in its domestic affairs is viewed as a neo-imperialist attempt to dominate the East Asian country. As a result, China has developed its own counter-hegemonic discourse, which it uses to reject these dominative discourses (such as that of the human rights discourse), such as that of Canada's human rights discourse. In turn, China has responded with the Asian Values discourse, which has been developed in response to what is perceived as a Western attempt to re-exert its dominance of Asia and cites a need for recognition of the unique cultural make-up of Asian countries, which is deemed to be incommensurable with the ideals of the West. Ultimately, Canada's use of an Orientalist discourse and China's counter-hegemonic discourse which demands a respect for sovereignty have created a situation in which the two countries can no longer work collaboratively on the one issue which serves as a main source of bilateral debate: human rights.

I will follow this theoretical discussion with an empirical analysis of Canadian human rights discourse in chapter two. More specifically, I will compare Canada's pre-and-post-2006 China policies, and the different manner in which human rights have been approached in each respective period. I will assert that the former period was marked by an effort to engage China on the issue of human rights and work collaboratively with that country in an effort to develop a stronger human rights regime there. This is supported by both the public statements of Canadian officials as well as by the concrete bilateral projects that were established during that period. In contrast, the period following the 2006 election of the Conservative government is distinguished by a simultaneous increase in human rights discourse, targeting Chinese violations in

that area, and a decrease in previous bilateral efforts that had been implemented on the ground to promote their further development. Ultimately, this has been a policy of disengagement with China, while at the same time the use of a moralistic human rights discourse claims an effort to improve China's human rights activities.

Canada's change in policy toward China has been received with displeasure by that country, which has responded with the cancellation of high-level meetings as well as censure of Canada's Ambassador to China, who was called to the carpet following the Prime Minister's meeting with the Dalai Lama. But still more importantly, the shift in Canadian policy can be seen in its reduction of influence with China, which has been revealed in the statements of Chinese officials and in the Chinese media, which can be considered as a good indicator of the views of the Chinese regime.

While I briefly discuss the views espoused by the Chinese media in chapter two, chapter three will serve as an analysis of the role of the media in Canada; here, I will continue my empirical analysis of Canada's Orientalist human rights discourse in terms of the media's coverage of China and human rights and the role that the media has played in reproducing the official rhetoric. I will begin this analysis with a discussion that focuses on the work of Yasmin Jiwani as well as Carol Tator and Frances Henry. Tator and Henry examine the concept of objectivity in the media and the many factors which render it an elusive ideal. These include both structural factors which serve to limit the scope of content as well as the limitations brought about by elite and corporate ownership of the media.

Jiwani, for her part, examines the Canadian media's Orientalist coverage of both domestic and foreign issues. Domestically, Jiwani portrays so-called "backlash" stories

as tools used by Canadian journalists to both demonstrate Canadian values of tolerance and multiculturalism, while simultaneously claiming to save vulnerable Muslim women through attempts to decrease the social distance between them and white female reporters. Jiwani also examines the depictions of Afghan men and women, respectively characterized as barbarians and as victims, and of Osama bin Laden as a feminized but dangerous villain, portrayals which seek to define but also to validate and to justify the domination and conquest of the East. Jiwani's discussion of the binary divisions made between the civilized We and the barbaric Other situates Canadian media discourse as Orientalist, which is also demonstrated in similar characterizations made in stories on China and human rights. Her analysis of backlash stories is useful here as a point of departure for the perspective of the Canadian media of the Other within international relations.

The second half of chapter three will, like chapter two, consist of an empirical analysis of Canadian human rights discourse in the media, focusing on the work of *The Globe and Mail*. I will argue that *The Globe*'s coverage of the topic of China and human rights largely can be seen to reproduce the perspective of the Conservative government, which asserts that Canada has a moral duty to publicly pressure China on its human rights practices. This is evident in the heavy focus given the topic, relative to that of other countries where human rights are an ongoing concern; like Canada's shift in China policy in the post-2006 period, *The Globe* has also stepped up its focus on China and human rights in that same period. Ultimately, I will argue that the media serves to reproduce the perspective of the elite and ultimately to sustain the ideological views which uphold the current order.

Finally, chapter four will serve as an overall case study which will demonstrate the changes that have taken place within Sino-Canadian relations as a result of Canada's newest China policy. By examining the experience of Huseyin Celil, a Canadian citizen accused and convicted of terror-related charges in China, I will argue that Canada's inability to adequately represent this Canadian can be seen as a product of its moralistic interference in its domestic affairs. Thus, I would argue that the China policy has failed, as it has not achieved the development of human rights which it has espoused. Furthermore, Canada's overall influence in that country has correspondingly diminished rapidly, in the short time since the change in Canada's foreign policy direction.

In writing this post-colonial analysis of Sino-Canadian relations, I have had to confront a number of problematic issues, such as that surrounding the concept of engagement. I have argued that Canada's move away from a policy of engagement has largely characterized its Orientalist China policy. And yet, this overlooks the moral implications of a policy of engagement itself. For while the post-2006 policy can be clearly identified by Orientalist features, previous strategies of engagement also presupposed a need for guidance from Canada on the issue of human rights. By this I mean that the Canadian government had identified what it perceived as a substandard human rights regime in China, and also situated itself in a position of guidance to help it achieve a level of acceptability determined by Canada. This, then, does suggest to some extent that Canada had already developed some sense of moral superiority with regards to China, before what I would consider its Orientalist period ever began. And yet, while the notion of engagement is therefore not entirely unproblematic in the sense

that it rested upon certain assumptions of a moral inferiority in China, Canada, in the past, sought to forward its human rights agenda through a bilateral approach based on cooperation, and this serves as the major distinction between the two periods.

Canada's previous policy of engagement may have presupposed China's desire for guidance from Canada, but it also sought to work with China rather than to preach human rights rhetoric from a distance. Furthermore, Canada's assumptions of China's need to further develop its human rights protections were not based on Western demands, but rather universal standards for human rights, which China has indeed yet to meet but is fully capable of achieving. Therefore, in spite of these challenges related to a policy of engagement, this does not minimize the shift that took place in Canada's China policy following 2006. Canadian public and media discourse in this period has pursued a new direction aimed not at working with China, but rather at establishing Canada as a morally superior country within a hierarchical order, which is evidenced in its public support for human rights but which makes little genuine attempt at achieving genuine progress in the area.

CHAPTER ONE: THEORETICAL CONSIDERATIONS

Postcolonial analyses of international relations based on Edward Said's Orientalist notion of discursive power have customarily centred on a European or American state subjugating what has generally been an Arab or Muslim country in the East. Initially then, when Said wrote about the domination of the Orient, he was referring to states of the Near or Middle East, in the context of their experiences with European—and later American—imperialism and colonialism. But this is not to say that postcolonial or Orientalist studies—and I will use those terms interchangeably in this thesis—are bound by those respective subjects and objects. In this chapter, I will argue that Canada can equally serve as an Orientalist subject, using the power of discourse to maintain its place within a hierarchical international system. Likewise, although traditionally the Orient designated countries of the near and Middle East, it can also be expanded to include countries of East Asia, such as China.

I will begin with the assertion that Canada—and more specifically, Canadian foreign policy—can be viewed as Orientalist; although Canada was never an imperial power, as a white settler colony it served as an extension of the British Empire and has benefited from the sustainment of a hierarchical international order which was developed during the imperial period of the 19th century, and which is evident in its current foreign policy toward China. In order to make this claim, I will draw on the postcolonial works of Jane Jacobs and Laura MacDonald, who have written respectively on Australian and Canadian domestic and foreign policies as Orientalist. For Jacobs, who is interested in the relationship between domination and space, Australia is an example of the transition of imperial power from core to colony, and where hierarchies of power can now be viewed within the country itself between its

First World and Fourth (Aboriginal) World divisions.[5] Jacobs' analysis of Australia is equally applicable to Canada both historically and at the present moment, both in their mutual experiences as white settler colonies, as well as in their domestic divisions between Aboriginal and non-Aboriginal groups. MacDonald, for her part, has written primarily on Canada's foreign aid and development assistance policy as Orientalist, rooted in a missionary history and discursive practices which were shaped by the privileged place that Canada held within the British Empire. MacDonald shares Jacobs' view of the "white settler colony" whose perception of the world is based on hierarchy and the preservation of a dominant position within it.[6]

This will lead into the central discussion of this chapter and also of this thesis: that Canada's China policy (post-2006) can be understood as an Orientalist human rights discourse which takes a moral stand against China as a still-backward country whose practices demonstrate that it is not yet prepared to participate as a fully-mature member of the international community, and which continues to require the guidance of developed states such as Canada. It is important to make the distinction between Canada's use of human rights discourse in the post-2006 period with previous policies which centred on engagement and collaboration with China in a genuine attempt to promote a human rights regime in that country. That is to say, I am not arguing against human rights in any manner, nor do I agree (with some) that the notion of universal human rights is inappropriate for Asian countries such as China; rather, I would assert that the use of a human rights discourse has ultimately served to undermine Canada's ability to influence the development of human rights in China by giving rise to a counter-hegemonic discourse which reflects China's opposition to any claims that may

be associated with the practice—real or perceived—of imperialism. In this sense, then, I am not applying what would be an entirely post-colonial analysis to this topic, as clearly my support for the notion of universal human rights sits in tension with that paradigm. Rather, what I seek to do here is to adopt some aspects of this approach, such as an Orientalist reading of Canada's human rights discourse. As I assert later in this chapter, universal human rights—while conceptualized in and advocated by the West—are indeed both achievable and appropriate for China. What is problematic in the Canadian case, then, is not that human rights are presented as objectives for that country, but rather the double standards with which they are conceptualized and implemented. Rather than seeking to work with China toward this goal, the human rights discourse of the Canadian government in reality promises to achieve little in this area, while at the same time ensuring that Canada is perceived as interfering with the internal affairs of a country which is deeply sceptical of any such intentions. Of course, the Canadian government is attempting to make a distinction between economic relations and human rights; this becomes problematic when statements to this effect by the Prime Minister are compared to similar statements on Columbia, where clearly human rights becomes secondary to economic relations.

I will then discuss the manner in which China can be considered an object of Canadian Orientalist discourse. Expanding on the work of Rey Chow, I will argue that China's behaviour within international relations must be understood in the context of its historical experience of domination and ideological subjugation by Europe, Japan and the United States.[7] While China—like Canada—was never fully incorporated into the practice of Empire, its development reflects the divisions established between First and

Third Worlds during the 19th and 20th centuries; it is within those divisions that we can observe the current relations between Canada and China. While Canada's China policy reflects an attempt to uphold this hierarchy through the use of a moralistic human rights discourse, China's counter-hegemonic discourse of Asian Values demonstrates its resistance to such efforts.

Finally, this requires a discussion of China's resistance to the human rights rhetoric of Canada and the West, which is based on the Asian Values discourse. Developed by the statements of Asian politicians such as Lee Kuan Yew and Mahathir Mohamad, who have rejected the notion of universal human rights as a Western concept, incompatible with the culture and values of Asia, the Asian Values discourse would assert that China is right to resist Western human rights claims and in turn should promote its own rights regime, based on Confucian values of order and collectivity. As Jeremy Paltiel notes, these claims of incommensurability of "Asian" and "Western" values are spurious, as human rights are rooted in values for human dignity and life which are shared universally.[8] Where the Asian Values discourse succeeds, however, is in its rejection of a Western human rights discourse and its ultimate destabilization of collaborative work towards human rights progress in China. Thus, by changing its policy toward China, Canada has, as a result, undone the foundation of bilateral cooperation between the two countries on human rights, as well as lost its ability to influence Chinese practices in this area.

Canada as an Orientalist Subject

Jane Jacobs has examined the case of Australia as a former settler colony which served as an extension of imperial power, whose privileged position within the British

Empire enabled it to advance among wealthy capitalist economies. In this sense, Australia has a dual status, having preserved elements of its colonial past through such practices as continued membership in the British Commonwealth of Nations and the preservation of the Queen of England as head of state, while at the same time participating as a fully sovereign country within global politics.[9] For Jacobs, it is important to consider Said's distinction between colonialism and imperialism, agreeing that "direct colonialism has largely ended" but that "imperialism…lingers where it has always been, in a kind of general cultural sphere as well as in specific political, ideological, economic, and social practices".[10] Thus, for Jacobs, the principles and norms of "high colonialism" have endured through the decolonization period and can even be considered as having expanded through cultural and economic—rather than traditional territorial—means since that period. Countries such as Australia, then, even as they have distanced themselves from their colonial past, reveal their own forms of "internal colonialism"[11], such as the deep gulfs between Australian—as well as Canadian—Aboriginal and non-Aboriginal spaces.

While Jacobs examined Australia's historical as well as internal colonialist experience, Laura MacDonald has focused on a postcolonial analysis of Canada's foreign development policies. She has argued that Canada's relationship with the Third World relating to development programs and policies has been characterized by practices of domination. Canada, asserts MacDonald, has benefited from its developmental efforts in the Third World.[12] For her, it is critical to consider Canada's—like Australia's—beneficial place in the British Empire and the manner in which this history influenced Canadian discourse toward the global South, a discourse

which, argues MacDonald, persisted through the decolonization process. Moreover, MacDonald asserts that this discourse has remained present in the current period and has shaped the ways in which Canadians perceive countries of the Third World. Thus, while Canada's early economic development was comparable to that of a peripheral country, Canadian cultural and social values, as well as institutions, emulated those of its colonial architect.[13] That Canada briefly toyed with its own notions of expansion into the West Indies under the Laurier and Borden governments further highlights Canada's privileged position as a white settler colony and her perception of being an associate of the British Empire.[14]

MacDonald argues that white settler colonies such as Canada are important to consider but frequently overlooked in postcolonial analysis. While clearly the imperial period was characterized by European domination, and is thus the habitual focus of postcolonial studies, is it also crucial to take into account other aspects of the colonial experience which have equal significance in more recent power configurations in international relations.[15]

Let us return, then, to a postcolonial analysis of Canada, in consideration of Canada's missionary history. MacDonald notes that the 1920s and 1930s represented a strong increase in Canadian missionary activity abroad, led primarily by the Protestant Church which had been undergoing a seeming crisis at the time. In particular, Canada focused on areas of the British Caribbean, where, just years before, the Canadian government had considered its own colonial expansion. MacDonald notes that Canadian missionaries at the time were particularly inspired by the ideology of Empire, but also in turn influenced that prevailing ideology as well.[16]

MacDonald also notes that in the period following World War II, Canada's Orientalist discourse shifted to reflect the new international order led by the United States; no longer a "junior partner" in the British Empire, Canada was now required to make a place for herself in the global hierarchy. Said remarked on the "new Orientalism" that emerged in this period, used as an administrative tool and interpreted by the "social scientist and the new expert".[17] In the case of Canada and its foreign development programs, it is important to note that its officials do genuinely appear to believe in the philanthropic nature of their work. The problem, according to MacDonald, is how development is conceptualized and implemented, which is through a top-down, hierarchical process. As in the colonial system, white professionals are seen as better capable of defining and providing for the needs of their "target populations" than are individuals from those very regions.[18]

Finally, MacDonald notes that in the early days of Canada's Department of External Affairs, many top officials—including Lester Pearson, Hume Wrong and Escott Reid—were the children of clergymen which, considering Canada's history with Orientalist missionary work, is revealing of Canadian ideology with regards to foreign policy. Interestingly, the first four Canadian Ambassadors to China were also the children of Christian missionaries.[19]

Both Jacobs and MacDonald draw out important discussions on the complicit role of white settler colonies in the perpetuation of a hierarchical order which had been put into place in the imperial period. As MacDonald rightly noted, postcolonialism should not neglect the crucial role that countries such as Canada and Australia played in the reproduction of this distribution of power, for to do so is to ignore the complexity of

imperialism and the many ways in which the "West" dominated the "East". That Canada was not an imperial power but rather a settler colony does not detract from either its position of privilege within the British Empire nor from its adoption of a discourse which supported the division of global affairs into a hierarchy, where Canada situated herself in a superior standing to countries of the Third World.

Jacobs has demonstrated the manner in which a white settler colony such as Australia served as an extension of the Empire and in turn reproduced colonial divisions internally. While her study centred on the case of Australia and not Canada, her analysis of Australia is equally applicable to Canada in its similar experience as a settler colony, as well as in its espousal of an ideology and a discourse which supported Empire. Finally, in raising Said's notion of the ongoing presence of imperialism in spite of the decolonization process, Jacobs has shown that, beyond territoriality, domination can and in fact has been sustained through cultural and economic practices. Here, I would add that the perpetuation of a discourse rooted in Empire is an essential feature of those cultural and economic practices and it is here that Jacobs' analysis is most relevant to this study of Sino-Canadian relations.

MacDonald, for her part, has traced the development of Canadian Orientalist discourse, through its missionary history and into the growth of its international development assistance regime. Like Jacobs, MacDonald has noted that Canadian discourse—first in relation to its missionary work and later in its aid programs—was shaped by its support for the imperial project and reflected its conviction in the notion of an international hierarchy. What MacDonald has demonstrated in her study is that Canada developed historically as a "junior partner" in the British Empire, which became the main source

of Canada's world view. Later, as power shifted in the period following World War II, Canada adapted to the rising power of the United States and the dismantling of the British Empire by its use of a "middle power" discourse, ensuring a place for herself within the new international order.

Ultimately, MacDonald has revealed an Orientalist discourse in Canada's foreign policy of development assistance. And while this is a discussion which focuses on Canada's perception of its relationship with the Third World in general, it demonstrates an important feature of Canadian foreign policy: that it is rooted in a hierarchical world view wherein Canada is established in a superior position to those it has assisted. While MacDonald does not discuss Canadian foreign policy outside of the area of development, her work has established the importance of Canada's perception of herself within the global order, and this is critical to an understanding of how Canada has and continues to relate to countries such as China. This is not to say that Canada has always approached its bilateral relations in an Orientalist fashion; rather, it demonstrates that in consideration of Canada's self-image in international affairs, the recurrence of an Orientalist discourse is possible, and, I would argue, has occurred in recent years in the Sino-Canadian bilateral relationship. This has taken shape in the form of Canadian human rights discourse toward China, in the period following 2006.

Canadian Human Rights Discourse as Orientalist

It is important first to make the distinction between the genuine promotion of human rights development and the use of a human rights discourse—increasingly used by Western countries—which conceals other political purposes. Neilson has argued that Western leaders have repeatedly used human rights discourse as a bargaining chip

when negotiating with China, leveraging economic agreements in order to achieve political goals relating to Tibet. For Neilson, these negotiations signify a return to imperial practices by Western powers who seek economic dominion over the Middle Kingdom.[20] In the case of Canada and Canadian human rights discourse, I would assert that the goal is not economic but rather the achievement of a moral superiority; this serves as a means through which Canada can re-exert herself within the bilateral relationship in the absence of its former economic or political supremacy. In the period following 2006, which has coincided with the rise in Canadian human rights discourse, the Canadian government has made a clear distinction between its economic and political relations with China. As the following chapter will discuss, this discourse is represented in the statements of high-level Canadian officials, including Cabinet Ministers, who have spoken publicly on the need to hold China accountable for its behaviour.

But Canada is not alone in the use of an Orientalist human rights discourse. As Rey Chow has noted, the issue of human rights has always been present historically in Western relations with China and cannot be viewed outside of the imperialist project in the East Asian country.[21] Neilson agrees that the "discourse of human rights is inseparable from the practicalities of international trade and politics".[22] Hehir (2005) has also weighed in on the manner in which human rights discourse reflects a hierarchical world order and is used by powerful countries not so much for the genuine promotion of human rights, but rather as part of a self-serving practice intended to maintain the hegemonic order. He argues that the development of a "norm of intervention" and the notion of the "inviolability of human rights" have gained

significance because they lend legitimacy to the methods used by Western states to secure their status of superiority.[23] For Hehir, human rights have been presented by Western countries as a simple choice between good and evil; to not follow the path dictated by the West would be to ignore the demands of humanitarianism on behalf of the world.[24]

It is important here to consider the role of language itself within the human rights discourse; as Sharon Hom has noted, the vocabulary used in human rights discourse itself serves as a "key site for political power/empowerment battles".[25] Dellapena has further developed the need for Western countries to pay closer attention to political rhetoric when seeking to engage China on human rights issues. For him, the events at Tiananmen Square in June 1989 reflected not only serious errors on the part of the Chinese government but also on the part of foreign countries; the tragedy highlighted the extent to which China and the West have yet to understand one another in terms of human rights and the many "class, political and gender aspects" of the human rights discourse.[26]

Perhaps the most troubling issue of the human rights discourse from a moral point of view is the double standards with which it is used to direct critique at some states and yet overlook the transgressions of others. For those who are critical of the double standards of human rights discourse, this trend is created by the self-interest of states in foreign policymaking. Chandler cites the example of the United States under the Clinton administration, which vocally censured countries such as China, Iran, Iraq, North Korea and Sudan for their respective human rights records, while at the same time demonstrating an unwillingness to denounce states such as Egypt, Israel, Mexico

and Saudi Arabia for geo-political or economic reasons.[27] As noted by David Reiff, "the U.S. administration has 'voraciously embraced' the new agenda of human rights on the rhetorical level, but has simultaneously insisted this new agenda of human rights is entirely consistent with the traditional global interests of U.S. hegemony".[28] In Canada's case, we see similar double standards: Canada has increased its level of human rights critique toward China in recent years and yet at the same time has stepped up its efforts to boost trade and economic ties with the country, claiming a stark division between the two issues. This becomes still more problematic when considered alongside Prime Minister Harpers comments on the Canada-Columbia relationship, where human rights—an issue of significant concern with respect to that country—are largely ignored, in favour of the economic relationship. Thus it appears that when convenient, the issue of human rights is overlooked in the event of a conflict with economic relations.[29] Moreover, the Harper government has cancelled the annual bilateral human rights dialogue, a forum designed to promote cooperation between the two countries for the promotion of human rights in China. This suggests that such rhetoric is just that and does not represent a genuine belief in collaboration with China in the area of human rights, but rather serves to distance Canada from its past commitments to use the bilateral relationship to further civil and political rights protections in that country. These examples demonstrate a discord between human rights discourse and practice, as observed by Katherine Eddy,

> An odd thing has been happening in the debate over human rights in recent years. Those in favour of welfare rights as human rights have joined their opponents in bemoaning the proliferation of rights claims in political debate. They have chastised activists and theorists for debasing the currency of human rights with what they see as an indiscriminate and quite possibly irresponsible

use of the concept to lend rhetorical force to an ever-growing number of dubious moral and political claims.[30]

The final problematic feature of Canada's use of a human rights discourse, and one which I would argue is a major factor in the rise of a counter-hegemonic Asian Values discourse, is its inherent claim to a moral superiority. For the West—once responsible for the colonization and cultural and economic domination of Asia—to make demands of countries such as China, based on their inability to meet what are perceived as Western human rights standards, is unlikely to carry much moral weight.[31] In consideration of China's experience as a semi-colonial country during the 19th century, claims by a country such as Canada, with its historical status as an associate of the British Empire and now secure in its place in the hierarchical world order, are justifiably received with scepticism.

This is not to say that there are not genuine concerns for human rights violations in countries such as China, but rather that any such claims by Western countries such as Canada must be both conceptualized and implemented carefully so as to avoid the trap of a perception of both double standards and moral superiority. In this sense, the use of a human rights discourse which publicly criticizes countries such as China is more likely to provoke a negative response from domestic governments than an approach based on engagement and collaborative work, aimed toward the same goals. While Canada itself was never a participant in the domination of China, the recent use of a human rights discourse by the Canadian government directed at that country reflects an ideological view of superiority toward the East Asian state and is therefore received with the same reservations as similar claims by other Western countries.

The increasing use of human rights rhetoric to castigate China as a flagrant violator of universal standards must also be considered through the perspective of a shift in global power relations. China can no longer be pressured by the international community as it could while under semi-colonial rule, either politically or economically. This has left countries such as Canada with little leverage, save for pressure rooted in moral claims such as those surrounding universal human rights standards. It is true that China has yet to meet universal benchmarks for acceptable human rights practices, although it should be noted that its record has improved in recent years and continues to do so. At the same time, however, Beijing is reluctant to bow to what it perceives as neo-imperialist interference in its internal affairs in order to conform to what it asserts is a Western-based, not universal, rights regime.

This response to Western discourse should be considered within the context of China's apprehension of Western motives toward the East Asian country, given its history with Western domination. It is also important to take into account the manner in which international power relations associate with domestic politics. Here, we must also consider that domestically, Chinese officials are reluctant to publicly relent to Western pressure over human rights, lest they face criticism from their own political opponents.[32]

China as an Orientalist Object

Said's Orientalist model was developed in the context of Western relations with the Arab world, but is equally applicable to other regions which have experienced a form of imperialism or colonialism. Therefore, in consideration of China's experience

in its 19th century domination by Japan, the United States and European countries, it is appropriate to examine it as an object of Orientalist discourse.[33] Similar to Jacobs' and MacDonald's analysis of the white settler colony as an Orientalist subject, Rey Chow's analysis of China as an Orientalist object points to its own—albeit less overt—history of semi-colonial domination; the fact that China was never territorially under direct foreign rule does not diminish the impact of this historical experience on China's modern development and world view. Chow has argued that to exclude East Asia from a postcolonial analysis is to ignore the legacy of imperialism in that region, which took on the form of ideological, rather than territorial, domination.[34] Thus, when examining China and its response to foreign rhetoric such as Canadian human rights discourse, it is important to consider the manner in which its historical relationship with the West has affected current bilateral relations. For Chow, the absence of physical coercion by a foreign state does not render China any less the object of domination than other Third World countries, particularly with respect to the exploitation endured by the Chinese population.[35]

And so, while China did not experience the loss of territory (with the exception of the territories of Hong Kong and Macau) associated with colonialism, its experience with imperialism and its accompanying domination by distant powers resulted in an equally significant legacy in terms of its relations with the West. It is therefore in the context of this legacy that we must consider current Sino-Canadian bilateral relations in general, and, specifically, its response to Canada's recent human rights discourse. China has responded to this approach with a combination of nationalism and a relativistic counter-discourse, which is based on the Asian Values debate as a form of

resistance to this perceived interference in its domestic affairs. This counter-discourse serves to reject any renewed forms of foreign domination of China; its use also underscores the damaging effects of such an Orientalist discourse in global politics and ultimately hampers real efforts toward the promotion and achievement of human rights development in that country.[36]

The Asian Values Counter-Discourse

The Asian Values debate has become a significant component of the counter-hegemonic response to "Western" human rights discourse. The Asian Values discourse originally developed out of the 1993 Bangkok Declaration on human rights, and was set out in its earliest stage in the statements of Asian officials such as Lee Kuan Yew, former Prime Minister of Singapore, and Mahathir Mohamad, formerly the Prime Minister of Malaysia. Both leaders advocated for the restraint of what they argued were Western-based human rights, in favour of economic development and social well-being.[37]

The Asian Values discourse favours social well-being and communitarian values, with a focus on traditional family morals, rather than "Western" style freedoms, which focus on civil and political rights. The following statement by Bilihari Kausikan, Permanent Secretary to Singapore's Ministry of Foreign Affairs and former Ambassador to the United Nations, outlines the manner in which the Asian Values discourse opposes what it perceives as the Western dominance of the human rights discourse:

> The Western media, NGOs, and human rights activists, especially in the United States, tend to press the human rights dialogue beyond the legitimate insistence on

> human standards of behaviour by calling for the summary implementation of abstract concepts without regard for a country's unique cultural, social, economic, and political circumstances... many East and Southeast Asians tend to look askance at the starkly individualistic ethos of the West in which authority tends to be seen as oppressive and rights are an individual's 'trump' over the state.[38]

As follows, this argument is rooted in the assumption of the incommensurability of "Western" rights with Asian cultural and family values, as well as a stark cultural division between individualism and collectivity. Thus, the Asian Values discourse would promote the development of social and economic rights, rather than civil and political, as being more suitable to societies based on Confucian values of paternalism and order. Yet, as Jeremy Paltiel has observed, this essentialist claim that purports Asian collectivity versus Western individuality is misleading and overlooks the fact that both societies embrace certain aspects of both collectivity and individualism. As he notes, Canada's own legal and constitutional structure offers much stronger assurances for the protection of group and collective rights than the current Chinese framework. In fact, even the United States, the bastion of individualism, is also far more amenable to collectivity than the East Asian country.[39]

Paltiel has also commented on the alleged gulf between Confucian and "Western" notions of human rights, noting that there is little to differentiate between their respective concepts of "humane governance". Both concepts are based on a desire for governance which operates on the basis of the enrichment of humanity and the development of human activity and industry within a harmonious, well-balanced society, free of unpredictable or heavy-handed interference.[40] In addition, it is difficult to identify Asian countries, including China, as homogeneous Confucian societies. Across Asia, the impact of religions such as Hinduism and Buddhism and to a lesser

degree, Christianity —not to mention the tenets of Marxism—must be taken into account when examining the cultural and ideological make-up of the region and which forms the basis of the Asian Values discourse.[41]

Finally, we should examine the main argument used by the Chinese government to reject the implementation of "Western" human rights, that of the notion of the inviolability of China's sovereignty. Maintaining the integrity of the state and resisting foreign interference remain major priorities for the Chinese government and, as discussed above, should be seen as the product of China's quasi-colonial experience during the 19th century by foreign powers. Chinese officials and academics have claimed that sovereignty is the basis and fundamental assurance of human rights, arguing "the rights of each country to formulate its own policies on human rights protection in light of its own conditions should…be respected and guaranteed."[42] The problem here of course is that this kind of argument, based entirely on a state's sovereignty, would preclude it from any accountability from choosing to enforce the rights of an individual over the sovereignty of the state which, as stated, would remain the national priority.

I would assert that the Asian Values discourse is flawed in its assumption that human rights standards reflect Western values; rather, the human rights that are espoused in both international declarations and agreements, as well as in Western human rights discourse, are not solely Western but rather universal and can apply equally to Asian societies. As Parekh has noted, it can be difficult to achieve consensus on human rights standards, but not impossible. While countries may approach human

rights differently and their implementation may take on different forms, ultimately what is important is their convergence in their eventual promotion and protection.[43]

If we consider the specific case of Asian countries such as China, there appears to be little to no variation on the content and definitions of human rights between Asian and Western approaches; rather, as discussed above, the difference appears primarily in their implementation. Ultimately, what matters is not *how* countries arrive at human rights, but that they *do* achieve their development and protection. Therefore, to say that there is a difference between Asian and Western values that is so inherent as to prevent any convergence on human rights standards is inaccurate and serves only to further undermine genuine attempts to promote the achievement of human rights standards worldwide. The use of a human rights discourse by Western countries such as Canada, in lieu of strategies of collaboration and engagement, has produced this counter-hegemonic discourse of Asian Values which ultimately hampers the very goal the discourse purports to strive for: to ensure the rights of individuals worldwide, regardless of the state in which they are living.

As Edward Said remarked, "the universalizing discourses of modern Europe and the United States assume the silence, willing or otherwise, of the non-European world."[44] By assuming the acquiescent silence of China in the face of Canada's critiques of her human rights practices, Canada has failed to recognize two critical developments: the strengthening of China's own nationalist counter-hegemonic discourse and the decline in Canada's ability to influence China's real action on the promotion of human rights. Thus the shift in Canadian political rhetoric toward China in the post-2006 period has not been marked by the silence of the East Asian country,

but rather by a rejection of Canadian "interference" through a counter-hegemonic discourse citing "Asian Values". In concrete terms, this rebuff has been manifested in such diplomatic moves as the cancellation of meetings and the formal calling to the floor of a Canadian ambassador. These developments will be examined in greater detail in chapter two, which will examine this shift in policy in greater detail. Ultimately, though, Canada's apparent assumption of China's "acquiescent silence" in the face of an Orientalist discourse is misplaced, resulting in China's own form of disengagement from Canada and which, in the end, now characterizes the bilateral relationship.

CHAPTER TWO: CANADA'S CHINA POLICY SHIFT

In the first chapter, I discussed the manner in which China's historical experience with imperial subjugation by Western powers has shaped its current outlook on the world in general and on its relations with countries of the West in particular. As a result of this experience, China has a tendency to perceive Western discourse on issues such as human rights as an inappropriate double standard, considering their complicity in the subjugation of much of the world's population before and into the twentieth century; such claims are thus likely to result in an unfavourable response from the East Asian country, and this is now evident in current Sino-Canadian relations. The preceding chapter also examined Canada's role in both the imperial shaping of the world and in its current use of an Orientalist discourse which seeks to present China as a country which has yet to embrace modernity, as demonstrated by its inferior human rights practices.

In chapter two, I will expand on the previous discussion of Canadian Orientalist discourse through the examination of current examples of such rhetoric by high-level officials. This will be carried out through a comparison between the pre-and-post-2006 periods, which reveals a marked shift in Canadian foreign policy in general, but more importantly, in Canada's China policy. While both periods should be characterized as espousing strong support for a human rights regime, the latter period represents both an increase in the use of stronger language and in the frequency of its use; in addition, this increase in rhetoric has coincided with a decrease in actual efforts to promote human rights in China. In fact, bilateral programs aimed at cooperation in the area of human rights, among others, have been abandoned in this period; this includes the annual Bilateral Human Rights Dialogue and Strategic Working Group meetings and a

decrease in high-level bilateral contacts. This suggests that claims to support human rights development in China—in the absence of on-the-ground programs which would facilitate their implementation—may not in reality be aimed at promoting real change. Rather, this suggests that Canadian human rights discourse is directed at some other goal; I would argue that this goal is, through moral claims of superiority, to re-exert Canada's position within the bilateral relationship. The Canadian government has attempted to achieve this political goal while at the same time fostering economic relations between the two countries. Business groups have voiced their concerns about this strategy, doubtful that a political cooling off will not result in a corresponding economic slow-down as well. Recent changes to this policy, evident in a shift in this discourse, indicate that the Canadian government may be realizing that this indeed is the case. Time will tell. What is evident, however, is that Canada's human rights discourse has not improved human rights in China; it has not increased Canada's influence on Chinese decisions, and, ultimately, Sino-Canadian relations have deteriorated.

Canada's China Policy, pre-2006

Sino-Canadian ties were formally set in place in 1970, with the Trudeau government's recognition of China; long before this official relationship began, however, Canada had informally begun building ties with the East Asian country in the 1960s, selling wheat to the struggling country during the period following the disastrous Great Leap Forward. In 1973, the two countries signed the Canadian-Chinese Trade Agreement—which granted each country the "most favoured nation" status—with both sides agreeing to apply low tariffs against one another respectively,

in the manner of other "most favoured" relationships.[45] Later that same year, Canada launched its first trade fair in Beijing, which was attended by a large Canadian contingent comprised of business leaders and government officials. They also established a Joint Economic and Trade Committee that served to provide a setting for discussions on economic and trade-related matters between Canadian and Chinese officials.[46] By 1978, as a reflection of China's new Open Door policy, the Canadian Department of External Affairs set up the Canada-China Trade Council (CCTC), later renamed the Canada China Business Council (CCBC), which remains a major bilateral business forum, designed to further enable trade ties between the two countries.[47] And by 1980, Canada had conferred a "preferential" trade status to China, cutting tariffs by a further one third on Chinese imports from the previous "most favoured nation" rate. Finally, four years after the establishment of the preferential trade status, the Export Development Corporation finalized an agreement with the Bank of China for a $2 billion financial institution which would facilitate the acquisition of Canadian equipment and services, in an effort to assist Canadian marketing endeavours in China.[48]

Clearly, while relations during these early years had a political aspect to them, they remained primarily of an economic and trade-oriented nature, and did not centre on the issue of human rights. Indeed, as Canada's early relations with the PRC took place under Maoist rule, human rights were both a legitimate and serious concern but were also not up for discussion due to political circumstances at the time. Interestingly, human rights have increasingly become a focus for bilateral negotiations as the Asian country has economically liberalized and has also begun the process of improving its

human rights practices. If we consider that today China's human rights record is likely at its highest point since 1949, it is somewhat paradoxical that Canada's critiques on the issue are also at their strongest point in the history of the bilateral relationship. Of course, as China's international role has developed, international criticism has increased correspondingly.

What has been consistent in Canada's approach to China, from the relationship's inception in 1970 and through to 2006, has been that concerns for human rights have been voiced in terms of engagement and cooperation throughout the entire period; this trend characterized both Liberal and Conservative governments, demonstrating that pre-and-post-2006 strategies have not been strictly partisan. But in particular, relations between China and Canada deepened under the tenure of the Liberals in the 1990s and early 2000s, as characterized by four general trends. The first, and perhaps most significant, was that the Liberals had gradually created a series of foreign policy objectives which focused significantly on engaging China. This included Chrétien's Team Canada approach and Martin's emphasis on China (alongside Brazil and India) as priority markets.[49]

The second trend was that in this period, Canada's political relationship with China gradually improved as well. This began under the Chrétien government, which moved to restore relations with China following the political turmoil that came out of the 1989 Tiananmen Square crisis. Chrétien followed up with a number of other initiatives, including his summit with Chinese President Jiang Zemin in 1993, his appointment of Raymond Chan as the first Minister of State for Asia Pacific and the aforementioned Team Canada strategy in 1994. In 1997, it designated the Sino-

Canadian relationship as a "trans-century comprehensive partnership", which was upgraded in 2005 to a "strategic partnership" by Chinese President Hu Jintao on his official visit to Ottawa. Premier Wen Jiabao, for his part, proposed the establishment of the Strategic Working Group during his 2003 visit to Canada; the SWG would serve as a forum in which Canada and China would pursue cooperation on issues such as energy, multilateralism and collaboration on trade and investment.[50]

The third trend which emerged in this period was that both the Chrétien and Martin cabinets promoted stronger energy relations with China as one of their top priorities. Despite his government's efforts, however, Chrétien did not accomplish much in the way of an expansion in energy ties.[51] Martin was fortunate in that his government coincided with a rise in Chinese demand for energy resources and there were thus indications that energy ties might increase between the two countries. In January 2005, Martin visited China, indentifying three key areas for energy cooperation, outlined in the *Canada-China Statement on Energy: Cooperation in the 21st Century*: oil and gas, nuclear energy and a cleaner and more efficient use of energy resources.[52]

But the fourth, and most important trend for my purposes here, was that political concerns over human rights in China, which had been particularly strong in the time immediately following the Tiananmen Square crackdown in 1989, began to recede during this period. This was due in part to the Liberal government strategy of engagement, in which human rights concerns were approached in a less confrontational manner, focusing rather on diplomacy and indirect means to influence Chinese actions.[53] For his part, Chrétien noted publicly that he would consider it inappropriate to approach a big country such as China and lecture it on how to run its affairs. At the

same time, however, democracy—which included a wide range of commitments, including "the respect for human rights, economic development, the rule of law, and political democratization"—was elucidated as both the basis and objective of Canadian foreign policy, as outlined in the Liberal Party's 1993 election handbook, *Creating Opportunity: the Liberal Plan for Canada*.[54] The strategy was later implemented, as pronounced in the report of the Special Joint Committee, which had been designed to assess Canadian foreign policy subsequent to its meetings with NGOs, as well as with private individuals, in the spring and summer of 1994.[55]

Human rights, however, had already been an issue on the table for Canadian foreign policy. In 1988, the International Centre for Human Rights and Democratic Development was established with federal funding, and was designed as an "independent and non-partisan organization", charged with the fostering of human rights institutions and programs.[56] The Centre was created with the goal of conducting consultations with Canadians on domestic issues, as well as to provide support for "democratic development" globally, as a feature of Canada's foreign policy focus on democracy.

In 1997, Lloyd Axworthy, Minister of Foreign Affairs, publicized a set of human rights initiatives that had been agreed upon between Canada and China. The joint committee on human rights was put into place by Canada and China to serve as a forum to discuss such issues as political and civil, religious, economic, social, cultural, women's and children's rights. This committee sat on two occasions in 1997, as well as in November 1988. Part of the package of human rights initiatives announced in 1997 included Canada's commitment to assist in the review of China's criminal

procedure law, an adversarial trial system and a legal aid system. In addition, Canada helped to implement China's commitments under conventions of the UN.[57]

Furthermore, in 1999 Foreign Affairs Minister Lloyd Axworthy and Raymond Chan, Secretary of State for Asia Pacific, announced the Second Plurilateral Symposium on Human Rights, held in Qingdao, China, in June of that year, and co-hosted by Canada, China and Norway. Said Axworthy,

> This gathering is a concrete result of Canada's ongoing engagement with China on human rights and good governance issues. China's involvement in the Symposium, particularly as co-host, represents progress in mutual efforts to explore and develop initiatives aimed at greater understanding and further implementation of international human rights standards.[58]

Raymond Chan supported this view, stating that,

> the involvement of Asia-Pacific countries with varied economic, social, political and cultural backgrounds makes for a rich dialogue on human rights. The involvement of academics, practitioners and policy makers promotes valuable insights for all participants on both the theory and the practice of human rights.[59]

In all, the 1999 Symposium covered the following issues: the implementation of the International Covenant on Economic, Cultural and Social Rights (led by China); rights of minorities (led by Norway); labour rights (led again by China); and freedom of expression (led by Canada).

Other initiatives followed. In 2005, then-Foreign Affairs Minister Pierre Pettigrew and International Cooperation Minister Aileen Carroll announced a large migrant labour rights project for China, which was designed to support the training and technical assistance of projects for the initiative. A jointly funded project, Canada donated nearly $5 million for related activities, with China funding the implementation of policy reforms and programs that pertained to the project.[60] Pettigrew, announcing

funding for the project, commented, "Canada is concerned about the human rights situation in China, and we believe engagement rather than isolation represents the best means to achieve improvements over time."[61] Pettigrew's statement demonstrated the belief that concerns over human rights practices in China had to be supported by on-the-ground dialogue and projects designed to bring about real improvements in that country, and those projects had to be jointly conceptualized and implemented. The project came out of the eighth Bilateral Dialogue on human rights between the two countries—discontinued after 2006—in Ottawa in the fall of 2005. Academic Charles Burton noted that relations with China served as a major focus for Liberal governments; indeed, in the period between 1988 and 2005 alone, Canada and China participated in more than 30 high-level visits.[62]

This focus on cooperation, rather than pressure and isolation, was clearly enunciated in the 2004 Speech from the Throne, which centred on such concepts as "collaboration" and "interdependence":

> Canadians are uniquely positioned for the new global politics—open to the world, comfortable with the interdependence of nations, aware of our global responsibilities. Canadians want their country to play a distinctive and independent role in making the world more secure, more peaceful, more co-operative, more open… We want to see greater collaboration among nations to ensure that economic policies go hand in hand with stronger social programs to alleviate hunger, poverty, and disease, and to help raise the standards of living in developing countries.[63]

Ultimately, then, successive governments had actively sought to promote improved relations between Canada and China. This foreign policy does appear to have expanded trade ties and did indeed produce a number of bilateral initiatives aimed a closer cooperation on other commercial areas, such as energy. Most significantly, however, it was also a period in which, despite expanding relations, human rights

remained an important topic that was approached alongside other important bilateral issues and one which Canadian governments sought cooperation on. Canada did briefly toy with the notion of separating human rights from Canada's trade relations in the 1980s, but the strategy was short-lived.[64] But this strategy has been revived in the period following the change in government in 2006, and this represents a distinct shift in Canada's (unofficial) China policy.

Canada's China Policy, post-2006

Thus while Canada clearly pursued a foreign policy which advocated democracy and human rights both as a general aim and within its China policy prior to 2006, this was done alongside a number of initiatives designed to achieve real progress in collaboration with target countries such as China. As Charles Burton has noted, former Foreign Affairs Minister Maxime Bernier's statements on Canadian foreign policy, which asserted that "our objectives are enhancing prosperity, improving security and promoting fundamental values of freedom, democracy, human rights and the rule of law"[65] resembled the 1995 Liberal foreign policy strategy, as outlined in its report *Canada in the World*. This strategy advocated a foreign policy approach founded on three principles: "the promotion of prosperity and employment, the protection of our security, within a stable global framework, and the protection of Canadian values and culture."[66]

What distinguishes the pre-and-post-2006 China policy, then, is twofold: first, Canadian human rights discourse increased significantly after 2006, particularly in reference to public statements by high-level officials; and, secondly, that this increase in discourse was met by a decrease in hands-on projects and initiatives which could

serve to facilitate the development of human rights in that country. This policy shift has largely sprung from an assumption that the annual Bilateral Human Rights Dialogue, developed under the Liberal government, was ineffective. As a result, the Senate Subcommittee on Human Rights, chaired by Conservative MP Jason Kenney, held a number of hearings to determine the future direction for Canada's China policy, which will be discussed later in the chapter.[67]

In reality, the Harper Conservatives were already showing indications of this policy shift before their election to government in 2006. In one case in 2005, Jason Kenney (currently Minister of Multiculturalism and Canadian Identity) publicly sparred with Prime Minister Paul Martin during a visit to Beijing. Kenney accused Martin of being soft on human rights, after his failure to pay respects following the death of former Premier Zhao Ziyang, who had been denounced after his sympathetic response to students during the events at Tiananmen Square in 1989 and as a result was subject to house arrest until his death.[68] Later that same year, Conservative MP Jim Abbott tabled Bill C-357, the "Taiwan Affairs Act", which called for an improvement to Canada's relations with Taiwan and was perceived as an unspoken snub to China. The Bill underwent a first reading in the House of Commons before being dropped in the face of pressure over the potential political ramifications for Chinese relations.

This new policy has been dubbed by some as "cool politics, warm economics", but if the current state of Sino-Canadian energy ties is any indication of this policy's success, it has been tremendously difficult to separate the two facets of the relationship. It should be noted here that there has as yet been no *official* designation of a China policy; what I am discussing here are indications of an informal policy that has been put

into place since 2006. Examples of this new approach include then-Foreign Affairs Minister Peter MacKay disregarding the Chinese ambassador's request for a consultation for months after the election of the Conservative government; public criticism by the Canadian government of China's human rights record; the suspension of the annual Bilateral Human Rights Dialogue; and, perhaps most significant, the downgrading of the bilateral relationship by the Conservative government, which has discontinued the use of the term "strategic partnership" to characterize Canada's relations with China.[69]

China's response to this cool approach was clear at the APEC meeting in Hanoi, where Prime Minister Harper was allotted a brief fifteen minutes with which to meet Chinese President Hu Jintao.[70] In support of the Conservative government's China policy, many point out the lack of any major success that previous strategies of engagement had on China's human rights record; in that sense, some would agree that the Conservatives are right to try a new approach. Still, there is little indication that this new strategy has met with any more success and, what is more, it has led to a decline in the economic relationship as well. What these developments do perhaps indicate, however, is the limited influence that Canada ultimately carries with China.

Both the 2006 and 2007 Speech from the Throne cited human rights as central aims for their respective years. In 2006, the Governor General stated, "More broadly, this Government is committed to supporting Canada's core values of freedom, the rule of law and human rights around the world."[71] One year later, this policy was repeated: "Guided by our shared values of democracy, freedom, human rights and the rule of law,

our Government will continue Canada's international leadership through concrete actions that bring results."[72]

It is also interesting to draw comparisons between the pre-and-post-2006 periods in reference to the number of news releases regarding China. Between the years 1996 and 2005, DFAIT published 43 news releases on issues pertaining to China. Of those 43 releases, only nine (or seven per cent) dealt with the issue of human rights. And of those nine releases, only three could be characterized as either critiques of the Chinese government or as citing specific cases of human rights violations. In contrast, an examination of DFAIT news releases from 2006 to the present time reveals a total 20 of which pertained to China; of those 20 news releases, six contained references to human rights issues, and all six dealt with—totalling 30 per cent—either specific cases of violations or served as censures of China's practices in general. This represents an increase of some 23 per cent between the two periods.

Charles Burton is one of those who support the view that the Canadian government is right to pursue this shift in policy direction, asserting that "Canada had been offering tacit sanction to China's violations of the rights of Chinese citizens domestically."[73] For Burton, Prime Minister Harper's meeting with the Dalai Lama, for example, served as a "message" to the Chinese government and ultimately aimed at pressuring China to consider the views of foreign countries such as Canada in its implementation of Tibet policy in the future. Of course the meeting with the Dalai Lama was met not with gratitude in Beijing for Canada's interest in the issue, but with anger and the ultimate cancellation of a Strategic Working Group meeting which had

been scheduled to take place shortly thereafter. For Burton, this was an acceptable trade-off for the Canadian government.[74]

What this analysis overlooks, however, is that by abandoning opportunities for bilateral discussion, China is indicating an unwillingness to negotiate with Canada under the current circumstances. Burton indicates that the government "is starting to engage in more frank and more open public diplomacy with China"[75]; however, in what manner this diplomacy and "engagement" is taking place is unclear. In reality, it appears that the post-2006 policy has rather been one of *dis*engagement, as the period has been marked by the general cessation of high-level meetings and by the cancellation of such forums as the Strategic Working Group and the Bilateral Human Rights Dialogue. Prime Minister Harper himself has yet to visit China since he took office in 2006. To say, then, that Canada is engaged in a more open form of diplomacy ignores the many ways in which diplomacy has been undermined in favour of rhetoric and lecturing, and in fact is based on an assumption that diplomacy has not worked in the relationship in the past.

In addition, it is interesting to consider which issues have been selected by the Canadian government in its alleged support for human rights. Prime Minister Harper's meeting with the high-profile Dalai Lama publicized Canada's support for Tibetans, but also notably excludes other groups which have equal claims to human rights violations by the Chinese government, such as Uighurs or Falun Gong practitioners. Burton calls this a "principled approach", but in reality he has demonstrated that the new policy calls for the use of a human rights discourse and yet has virtually no strategies with which to foster human rights, with the exception of public pressure through the international

community and the media. Of course, in consideration of China's reluctance to accede to pressure from a Western country owing to its semi-colonial history as discussed in chapter one, it is difficult to envision how such a strategy might be successful. Ultimately, I would argue that this "principled" approach is designed for the self-satisfaction of knowing that Canada has publicly stood up for human rights, as well as for domestic consumption among Canadians who are eager to see their government promote "Canadian" values such as democracy and human rights.

Former Canadian diplomat Howard Balloch has spoken about the problems inherent in the new policy shift. Commenting on the "snubs" that have been exchanged between Ottawa and Beijing, Balloch has asserted that Canada is now experiencing the costs of the "cold shoulder" it has given China, noting that "shunning is not a very successful policy."[76] Balloch was confounded by Prime Minister Stephen Harper's failure to send then-Foreign Affairs Minister Peter MacKay to China after the Conservative government took power in 2006, nor to consult with the Chinese ambassador until the near year's end. Furthermore, Prime Minister Harper's non-acceptance of China's informal invitation to Beijing in late 2006, in the lead-up to the APEC conference in Hanoi left some such as Balloch scratching their heads in confusion; China's snub of Prime Minister Harper at the conference itself appears to be a direct response to this earlier refusal.[77] Balloch's analysis of the 15 minute meeting allotted to the Canadian Prime Minister by President Hu at the conference was that the Canadian leader likely had less than four, or even as little as three, minutes with which to speak to his counterpart, after greetings, introductions and translations.

Noted Balloch, "the Harper government is making the elementary mistake of overestimating Canada's influence and assuming it can snub China without any backlash."[78] For him, previous strategies based on engagement with China on human rights were more effective than the current policy. In response to critiques of the alleged soft-handedness of the "engagement" strategy of previous governments, Balloch remarks on his observations within bilateral meetings where Canadian cabinet ministers took a strong stance on the issue of human rights; according to him, such meetings were not immune to emotional flare-ups, with both sides expressing their views, at times angrily.[79]

Ultimately, Canadian rhetoric critiquing China and its renewed focus on human rights has taken place as China's practices in this area have steadily improved. Indeed, Canada's embassy in Beijing wrote a confidential report on the state of human rights in the country, according to which China has been making "incremental progress" in the area and is anticipated to continue in this direction in the future.[80] The report suggests that those on the ground in China—and who presumably are considered to have expertise in the area—have a markedly different perspective than the government in Canada on China's progress in the area of human rights. The report cited improvements such as a reduction in the length of prison sentences for dissidents, as well as increasing intellectual freedom for Chinese academics and general freedoms for the population at large.[81] Finally, the perception gap between diplomatic and Canadian government officials also serves as an indication of the apparent widening gulf between the two groups. This alleged rift, which will be discussed in greater detail in chapter four, has further eroded Canada's ability to work with Chinese officials on issues such

as human rights, as demonstrated in the case of Huseyin Celil and his trial and sentencing.

Discourse by Canadian Government Officials

For the purposes of this thesis, the most significant aspect of the shift in Canada's China policy is the stepping up of discourse by high-level public officials on the failure of China to meet international human rights standards. "Human rights" have become the catchword of government rhetoric both in terms of foreign policy and in reference to China. In November 2006, Prime Minister Harper clearly set out Canada's new policy on China, which involved the separation of politics and economics:

> I think Canadians want us to promote our trade relations worldwide. But I don't think Canadians want us to sell out important Canadian values of belief in democracy, freedom and human rights—they don't want us to sell out to the almighty dollar.[82]

But as Brian Laghi has pointed out, this statement was somewhat paradoxical to previous comments and actions of the Prime Minister, citing, for example, Canada's opposition to the draft UN Declaration of the Rights of Indigenous Peoples, as well as Prime Minster Harper's apparent support for Israel's "measured response" in its bombing of Lebanon in its recent war with Hezbollah.[83]

Other notable government officials speaking on human rights have included Peter MacKay (former Minister of Foreign Affairs and current Minister of National Defence), Maxime Bernier (also former Minister of Foreign Affairs), David Emerson (former Minister of International Trade and current Minister of Foreign Affairs) and Jason Kenney (Secretary of State for Multiculturalism). In February 2007, speaking to the Democracy Council, Peter MacKay highlighted Canada's commitment to democracy promotion:

> When our government came to power a year ago, we were determined to assert Canadian values—freedom, democracy, human rights and the rule of law—into Canada's relations with the rest of the world. Chief among those values is democracy. In the long term, democratic systems provide the most effective guarantees of stability, prosperity and human rights. Just as promoting democracy reflects Canada's values, it serves Canada's interests well.[84]

One month later, Mr. MacKay again laid out the government's priorities:

> Our priorities are to play a leading role in peace and reconstruction efforts in Afghanistan; restore Canada-U.S. relations; rebuild our defence capabilities; promote Canada's values of freedom, democracy, human rights and the rule of law; ensure Canadian competitiveness internationally; and play a stronger role within our own hemisphere, where we have a shared history, substantial interests and growing people-to-people ties.[85]

In the spring of this year, Maxime Bernier, then-Foreign Affairs Minister, further elaborated on Canada's foreign policy: "Our foreign policy is anchored in the pursuit of Canadian interests of security and prosperity, and our values of freedom, democracy, human rights and the rule of law.[86] Another cabinet minister, David Emerson, made the link between Canada's foreign policy and its new approach to China:

> Our government is a strong defender of human rights and a very active trader. When it comes to China, we are working to advance trade and investment and create an open relationship where we can talk candidly about issues that affect our two countries. We will continue to engage China economically, but that will not constrain our right to raise human rights, especially when the interests of Canadian citizens are at stake.[87]

Here Emerson is clearly indicating the attempted distinction between economic and political relations, where the Conservative government would seek engagement economically with the East Asian country and disengagement politically.

Jason Kenney, former Chair of the House of Commons Subcommittee on International Human Rights, has been perhaps the most vocal proponent in the Conservative government of political disengagement with China on the basis of that

country's unacceptable human rights practices. This year (to date), Mr. Kenney gave seven speeches to Chinese audiences (I include here one speech to the Tibet Canada Women's Foundation); of those seven speeches, human rights were explicitly cited in six of them. Most included a variation of the following statement:

> Our core Canadian values are freedom, democracy, human rights and the rule of law. The more than 200,000 people who come to Canada annually from every corner of the world embrace these values, and at the same time add to our sense of who we are.[88]

Mr. Kenney's frequent use of human rights discourse in his speeches to Chinese audiences is of particular interest when put in the context of Canada's reassessment of the Bilateral Human Rights Dialogue, carried out through a series of hearings of the Senate Subcommittee that he headed.

Reassessment of the Bilateral Human Rights Dialogue

Since the initiation of the Dialogue in 1997, there have been nine meetings dealing with various issues associated with the practice of human rights in China. According to DFAIT,

> the Dialogue has been used as an instrument for Canada and China to engage on human rights; a forum to share views and experience on policies and practices with respect to human rights; an avenue for both countries to express their views/concerns on each other's human rights situation and remind each other of our international obligations.[89]

As Charles Burton has noted, the Canadian objective of the Dialogue has been to play a role in bringing about change in China's human rights practices. I have already noted that much of the shift in Canada's China policy post-2006 has developed out of an alleged assumption that the strategy of engagement—which included the Bilateral Human Rights Dialogue—was ineffective. As a result, DFAIT

commissioned a report, written by Charles Burton, on the utility of the Dialogue. Burton's report concluded that the effectiveness of the Dialogue (in its current format) was limited, in part due to the approach taken by China's Ministry of Foreign Affairs, and in part because of the structure of the Dialogue itself. These critiques of the Dialogue were well-placed, and suggested that, despite its positive features, it would benefit from some modification. From the perspective of interested Chinese groups, the topics selected for discussion under the Dialogue had been at times irrelevant to the concerns of their respective organizations; these groups claim to have a desire to address certain human rights issues but also have voiced concerns that the most pressing issues in this area were generally not slated for discussion on the Dialogue agendas. This was due in part to the fact that it was the Chinese MFA which set the agenda, and did so without consultations with Chinese ministries which are responsible for the conceptualization and implementation of policy in human rights areas. Furthermore, it appears that the MFA's perception of the role of the Dialogue itself was problematic; Burton noted that it viewed the process as "intended to allow Canada to demonstrate to Canadian NGOs, and Canadians in general concerned about China's human rights record, that Canada is actively pursuing the matter with the Chinese authorities."[90]

In addition, there was a problem on the Canadian side with regards to the lack of continuity from year to year on the subject matter proposed by those responsible in Canada. This suggests that the Dialogue could be improved through a different format, but does not in any way suggest that it would be appropriate to cancel the process altogether. The main problem in the Dialogue appeared not to lie with the majority of

Chinese participants, but rather with the MFA, which dominated the Chinese side. Burton remarked, "the Chinese MFA's mandate in this exercise is to defuse foreign unease with China's human rights record. They tend to maintain that Canada's critical interpretations of China's approach to human rights are partially misinformed and overly simplistic."[45]

On a positive note, interested parties in China have commented on the improvements in a number of human rights areas that the country has made based on collaborative forums such as the Dialogue. These areas, in addition to those mentioned previously, include the adoption of the presumption of innocence in China's Criminal Procedures Law, the creation of legislation to deal with violence against women and sexual harassment, and an improvement in the practice of police conduct and management. Areas that remain of concern are those surrounding religious and labour rights, as well as freedom for ethnic minorities.[46]

Despite the challenges of an intrusive MFA and an often unsuitable format which have hampered the progress of the Dialogue, its importance as a forum for bilateral discussion on such issues as those discussed above suggests that it would have been a valuable subject for reform, not abandonment. As one Canadian observer has noted, "without the Bilateral Human Rights Dialogue, Canada would lack an important institutional context for directly tabling our ongoing concerns about human rights violations in China."[47] One feature of the Dialogue which was particularly useful was Canada's ability to use the forum to present "cases of concern" at bilateral meetings. These consisted of lists of individuals imprisoned in China or at Re-education Through Labour (RTL) camps.

> They are people known by Canadians to have been involved in political or religious activities in China that would not be illegal under the laws of Canada; activities that Canadians judge should have been subject to the protection of the UN Human Rights Conventions.[94]

The re-assessment of the Dialogue has also been the basis for a number of hearings in the Subcommittee on International Human Rights, chaired by MP Jason Kenney. I will briefly examine the manner in which these hearings were carried out as the final part of my analysis of Canadian human rights discourse in the post-2006 period. A senior Canadian Foreign Affairs official has noted that the primary use of the talks was its use as a forum for raising individual cases and to bring lists of particular cases.[95]

The Subcommittee on International Human Rights Hearings

Burton has noted that the approach of previous Liberal government has been one of "quiet diplomacy", which was carried out through confidential bilateral discussions. Although I would agree that "quiet diplomacy" has indeed been the general approach taken by Canada in the period preceding 2006, I would add that it has not been a strictly partisan Liberal strategy, but rather one practiced by Canadian governments in general following the establishment of formal relations in 1970. In the face of pressure from NGOs, however, DFAIT commissioned the afore-mentioned Burton report in 2005; at the same time, the Canadian government implemented a study of Canada's China policy, to be undertaken by the House of Commons Subcommittee on Human Rights, which began in October 2006 and continued into 2008.[96]

The committee based its study on the testimony of a number of witnesses who spoke at hearings from 2006 to 2008. In examining the identities of those invited to speak at the hearings, it is notable that the vast majority represented NGOs which have

made strong claims of human rights violations in China. Those include representatives of Human Rights Watch and Amnesty International, of democratic groups, labour groups, Tibetan groups, the Falun Dafa, as well as representatives of an HIV/AIDS group and of PEN Canada; a Chinese refugee to Canada was also invited to speak. In addition, the majority of the witnesses represented groups which form a coalition of Canadian organizations which are active in protest of China's human rights practices. Furthermore, of these numerous witnesses, only three individuals did not fit into the category of an interest group which advocates publicly pressuring China on human rights: Professor Charles Burton of Brock University, Paul Evans of the Asia-Pacific Foundation, and Sergio Marchi, of the CCBC. And while Professor Burton should be considered an academic with expertise in Sino-Canadian relations, it should be noted that he has advocated a shift in Canada's China policy such as that of the post-2006 period, as has been discussed previously. The other two witnesses, Mr. Evans and Mr. Marchi, were both somewhat critical of this new approach and supported a return to a policy of engagement.

With regard to the other 16 witnesses, it is important to note that each differed in their perspectives on the challenges of human rights in China and of the best way to address their own concerns, as well as the concerns of Canadians in general. Some advocated an abandonment of the Dialogue as well as a policy of disengagement, whereas others proposed a more moderate line. What is interesting here, however, is the manner in which those witnesses representing special interest groups critical of China were treated, in distinction from the approach taken by the Chair, Jason Kenney, as well as committee members toward Paul Evans and Sergio Marchi, the two

witnesses most critical of the Conservatives' China policy. Comments to the former group of witnesses included those such as the following from Kevin Sorenson, Conservative MP: "Certainly, as we sit and listen to the examples of offences in China—all sides, as a committee—we are definitely moved."[97] In general, committee members were welcoming to these witnesses and made similar comments to the one above, indicating an appreciation for their presence and an interest in their testimony. In contrast, the two differing witnesses, Mr. Evans and Mr. Marchi, were received in a markedly different manner. The testimony of both witnesses indicated their discomfort with the apparent shift in China policy. Paul Evans stated,

> The Government of Canada now appears to be on a somewhat different track from its Liberal and Conservative predecessors in responding to the rise of global China. Its principled foreign policy emphasized freedom, democracy, human rights, and the rule of law. …This approach is not an easy sell in Beijing. …It is unwise to overestimate Canadian access to top Chinese decision-makers on any of these issues, but it is equally unwise to think that cool politics will increase our access or impact. …For the first time since the establishment of diplomatic relations in 1970, we are back to a national debate about the fundamentals of the relationship …and it is not clear whether we are starting a new chapter or a new book in the relationship with China.[98]

Similarly, Mr. Marchi's comments noted concerns for the "cool politics, warm economics" policy:

> No one suggests that Canada pursue a purely commercial relationship. However, if the focus is solely on human rights, our country runs the risk of never establishing the kind of relationship in which difficult questions can be raised, discussed, and settled in a mutually respectful way, and in a manner that is likely to lead the change.
>
> Interests and values cannot be pursued in isolation from one another or with one as a precondition to the other. It is our experience that only when they are pursued in tandem can one make progress on both fronts. Moreover, Canada does not take a human-rights-first approach in its relationship with other countries of our globe.

> There is considerable openness to hearing ideas from friends and allies. But there is a growing popular resentment in China—and not just in China, of course—to lecturing by foreigners, in the absence of deep understanding of the Chinese realities. Even in the western world, lecturing can be a delicate affair, be it by presidential candidates in France or American ambassadors in Ottawa.[99]

The opening statements by Mr. Evans and Mr. Marchi were followed by a brief set of questions from committee members. At this point, Mr Kenney, committee Chair, began questioning both witnesses in an approach that can best be depicted as aggressive, in what appears to be an attempt to discredit the underlying motives of the witnesses as being rooted in commercial operations tied to China.[100] Mr. Kenney's questions also appeared to seek verification that previous periods of political tension between Canada and China were not marked by corresponding economic downturns, but rather by a growth in bilateral trade, referring specifically to the period immediately following the Tiananmen Square crisis in 1989. On the whole, this hearing can be described as somewhat combative between the Chair, Jason Kenney, and the two witnesses, Paul Evans and Sergio Marchi. Both witnesses received a high number of aggressive questions and at times were unable to complete their responses before receiving another question. In one instance, Mr. Marchi pointedly requested that he be able to clarify a response but was not permitted to do so by the Chair. This line of questioning did not take place in any other hearing and no other witnesses were subjected to a line of questioning that in any way approximated that of Mr. Evans and Mr. Marchi. This suggests that the purpose of the committee hearings was to elicit a particular response from witnesses which would corroborate the policy shift on China that was already underway. That the only two witnesses who did not support this policy shift were treated in such a different manner further supports this implication. I would add here,

that Mr. Marchi's comments on China's response to Canadian lecturing have been supported by China's actions toward Canada over the course of the past two years.

China's Response to the post-2006 Discourse

The shift in Canada's foreign policy has not gone unnoticed by the Chinese government, nor has it been without negative consequences. As discussed in chapter one, China considers its ability to direct its internal policies without foreign interference as paramount to its sovereignty, and this should be considered the legacy of historical Western imperial interference in that country. Canada's rhetoric on human rights—particularly in light of Canada's disengagement with China and its use of a moralistic Orientalist discourse—has therefore not been received warmly but rather has impelled a corresponding reaction from the Chinese government. This was evident after the failure of Canadian diplomats to revive the Canada-China Strategic Working Group, which had been abandoned in the post-2006 period. The group had originally been put into place under the Martin government in 2005, and was designed to serve as a regular meeting of deputy ministers to deepen the newly announced strategic partnership that had been announced by Canada and China. Early meetings had dealt with such topics as trade and investment issues, as well as climate change. Notably, the Prime Minister discontinued the use of the term "strategic partnership", another indication of Canada's cooling towards China. But in November 2007, it had appeared that the meeting would again take place—through the efforts of Canadian diplomats—but was swiftly cancelled in response to Prime Minister Harper's official meeting with the Dalai Lama earlier that month. According to unofficial sources, the cancellation was made by China in retaliation to the meeting.[101]

In addition to the cancellation of the Strategic Working Group meeting, Beijing called Canada's ambassador to China, Robert Wright, for "consultations" in response to Prime Minister Harper's meeting with the Dalai Lama. While the Chinese government did not reveal the reasons for its summons of the ambassador, it is believed to have served as a "dressing down" of the Canadian government for its decision to meet with the spiritual leader.[102] Beijing's reaction to the meeting was clearly elucidated in the statements of Foreign Ministry spokesman Liu Jianchao:

> It is gross interference in China's internal affairs. The Chinese side expresses its strong dissatisfaction and resolute opposition. This disgusting conduct has seriously hurt the feelings of the Chinese people and undermined Sino-Canadian relations.[103]

Earlier, in the spring of 2007, China's response to Canada's posturing on human rights, including public discussion of the Huseyin Celil case, prompted another rebuke from the Chinese side. In response, that government accused Canada of "harping on human rights" and "aggressively lobbying" for the release of Celil, considered by the government in Beijing as a terrorist.[104] Then-Foreign Affairs Minister Peter MacKay had a four-hour meeting with his Chinese counterpart, and later summed up the meeting by stating that he was "confident" that he had successfully clarified Canada's position on the Celil case to China. Apparently, however, China's state-owned media, which is largely accepted as the mouthpiece of the Chinese government, perceived the meeting differently. In the China Daily, an article stated,

> Sino-Canadian ties have soured since the Conservative Party took power in Canada last year. The new administration has been harping on human rights and has differences with Beijing on a number of issues. Canada has been aggressively lobbying for Celil's release, citing consular protection, but China refuses to fall in line, saying the case is related to terrorism and Canada should not interfere in China's internal affairs.[105]

Finally, it is notable that in November 2007, the deputy Minister of Foreign Affairs, Leonard Edwards, was unable to meet with a single Chinese official during a three-day visit to Beijing. According to DFAIT, Edwards instead "conducted a series of internal consultations" with officials at the Canadian embassy.[106]

The aim of Canada's shift in China policy was to gain the attention of the Chinese government; as the previous discussion has demonstrated, the Canadian government has achieved this goal. At the same time, it has not, however, managed to do what it purported to set out to: use its moral standing on human rights to pressure the Chinese government to change its human rights practices. Ironically, human rights in China *have* been progressing, as noted by Canadian diplomats in Beijing, although this does not appear to have been accepted by the Canadian government. Rather, as demonstrated by the actions of the Subcommittee on International Human Rights, there is a belief that human rights in China have not improved as a result of the policy of engagement, and this serves as a justification for the pursuit of the "warm economics, cool politics" strategy. Unfortunately, without any concrete strategies that could be used to facilitate the growth of human rights in China, Canada has essentially removed itself from its previous place within the bilateral relationship, from where it could in the past work to influence Chinese decision-making to some degree. China's actions in response to Canadian human rights discourse indicate that it is unwilling to continue to accept Canadian concerns amid unwanted lecturing by the Western state. It is difficult to ignore this discourse, which has been present in the statements of high-level Canadian officials, including the Prime Minister himself. These statements serve as the source of Canada's Orientalist policy toward China and, which has in turn been

reproduced through both public discourse and by that of the national media in Canada. In chapter three, I will examine how the reproduction of Orientalist discourse is carried out through the media and the role that the media plays in the preservation of the current hegemonic order.

CHAPTER THREE: ORIENTALISM AND THE CANADIAN MEDIA

In chapter two, I examined the shift in Canadian foreign policy toward China in the periods preceding and following 2006. While both Liberal and Conservative governments espoused the promotion of human rights as part of their foreign policies, human rights rhetoric, particularly by high-level government officials, has risen significantly in the current period. This increase in governmental discourse also corresponded to a curtailment of high-level visits and bilateral meetings which had previously aimed at greater cooperation between the two countries in a number of areas, including human rights. The Chinese government has responded to this policy of "cool politics, warm economics" with its own demonstrations of displeasure and the current state of Sino-Canadian relations reflects the recent policy of disengagement.

In chapter three, I will examine the ways in which this governmental rhetoric is reproduced by the Canadian media, which has supported the shift to an Orientalist human rights discourse in the post-2006 period, in support of a strong focus on human rights in China. In my examination of the media in this chapter, I will first examine the notion of objectivity and the ways in which this concept is often undermined by the influence of elite corporate ownership as well as by the demands of a plural society. Ultimately, I will argue that the media—and in particular the print media—serves to promote the ideological perspectives of elite ownership and thus ultimately the dominant group within society.

Having established the elusive nature of objectivity within the media, I will then examine the manner in which the Canadian media has demonstrated its own Orientalist position on both domestic and foreign affairs. Using the works Yasmin Jiwani, as well as that of Frances Henry and Carol Tator, I examine how the media reproduces the

ideological perspective of the dominant group within society, as well as the manner in which elite ownership of the media has increasingly influenced the content of journalistic reporting.

The third section of this chapter will serve as a case study which examines how *The Globe and Mail*, one of Canada's two national newspapers, has formatted its own coverage of China and human rights within a four-year period. Having examined a sample of articles on a range of subjects within the topic of China and human rights, and within a variety of formats, I conclude that the focus on human rights in that country largely mirrors the shift in Canadian official discourse in the pre-and-post-2006 period. Similar Orientalist discursive practices of the civilized *We* versus the uncivilized *Other* are evident throughout these articles, which draw a moral distinction between the practices of the West with those of China, which is often portrayed in terms of a devious, vindictive and at times irrational regime.

On Objectivity and the Media

Objectivity has long stood as a primary goal in the field of journalism, serving as an "institutionalized standard" for journalistic excellence.[107] But as noted by Durham, this concept of objectivity can be critiqued for the media's awkward association to "hegemonies of race, class, and gender", as well as the manner in which the subjective relationships of journalists with society have been largely overlooked in discussions of social accountability.[108] For his part, Chomsky has pointed to structural elements within the media which ultimately hamper the potential for objectivity. For Chomsky, it is not the individual journalist who fails to present a balanced perspective but rather the manner in which topics and issues are selected for coverage, as well as

limits placed on the scope of opinion which is to be presented, and finally the world view which ultimately serves as the framework within which reporting and commentary are expressed.[109] While Durham notes that the subjectivities of journalists must be examined in the debate over objectivity, it is also important to consider that journalists increasingly find themselves in a position of having to balance the ideal of objectivity with the demands that come out of operating within a plural society, wherein journalists must increasingly represent a range of perspectives as part of the duty to accountability to the public.

Moreover, the question of objectivity can be considered within broader debates on the distinction between fact and value and between subject and object that has taken place within the social sciences. To that end, the subject (i.e. the journalist) has been portrayed as being irrelevant to the investigation itself and is therefore capable of simply observing the object as it is, in the absence of the imposition of the subject's own values and perceptions. Of course, this ignores that researchers—which includes decision-makers in the media—validate certain perspectives and invalidate others. Clearly, then, the claim of a separation between the journalist and his or her object of research is problematic, as the subject makes important decisions on what determines an appropriate object of analysis and thereby creating a clear subjective relationship between them. Furthermore, the assumption that empirical knowledge is value-free is also troublesome. Robert Cox has asserted that the unquestioned recognition of the existing order indicates a valued paradigm. Here, it is important to acknowledge the conservative character of positivist knowledge, which seeks to maintain a system which benefits those states which dominate it, and is clearly value-laden.[110]

The final factor which must be considered in an analysis of the question of objectivity in the media is that of elite and corporate ownership. For Henry and Tator, the ideological perspectives of the owners of (primarily the print media) are reflected not only in editorial work, but also in news articles, which reproduce the "assumptions, beliefs, and values of those owners."[111] Those perspectives are generally grounded, as noted above, in conservative ideologies, and can be considered as "accurate" insofar as they replicate the hegemonic views of the ownership. Returning to the concept of discourse, it is important to note that newspapers will choose a pattern of discourse which reflects its ownership as well as its overall objectives.

But media is not comprised solely of owners, but also of an audience, and it is important to consider the manner in which the media both shapes and consolidates the perspectives and opinions of that audience. As noted by Henry and Tator, the readership of a newspaper such as *The Globe and Mail* does not consist of passive consumers, but rather of active individuals who share its ideological perspective. Thus, media discourse does reflect reality in the sense that it reproduces the attitudes and values of both its ownership and its readership. Conversely, this discourse can exclude those perspectives which fall outside of those boundaries, such as minority groups, being, in such cases, "inaccurate, biased, unbalanced, and unfair."[112]

Corporate ownership in Canadian print media has certainly had an influence on the expression of particular perspectives. According to Cohen-Almagor,

> the process through which a paper's content is filtered by the interests of owners and advertisers is a subtle one, yet we may acknowledge that journalists are unlikely to report a story or to cover a certain issue if they do not believe it will be accepted by the editor or the owner. Similarly, an editor is unlikely to assign a reporter to cover a story that will frame an issue in a radically different view from that of the owner or that might upset major advertisers.[113]

[illegible]

consider how the media attempts to reflect "Canadian values" in its domestic and foreign reporting. As Yasmin Jiwani notes in her analysis of so-called "backlash stories" on the effects of the events of 11 September 2001 on the lives of Muslim and Arab Canadians, Canadian journalists have attempted to articulate Canadian identity through their stories. Here, journalists used the backlash stories to strengthen national self-confidence through the promotion of Canada as a "benevolent and multicultural" nation.[115] This reproduction of the Canadian myth can be considered as a means of publicly demonstrating that Canadian values of "benevolence and tolerance", integral to a Canadian identity of moral superiority, remain present and are shored up by the Canadian media.

Jiwani has also revealed the presence of this type of discourse in reporting on international affairs and foreign policy, asserting that textual representation of the Oriental Other is evident in articles on Afghanistan and issues in the Middle East. Jiwani notes that the media's feminized depiction of Osama bin Laden produces an image of bin Laden as the enticing yet threatening "arch-villain" who is described as detached, devious, merciless and evil, which, asserts Jiwani, are similar features associated with non-white women in colonialist literature, as well as pop culture. Jiwani alludes to two other dailies, *La Presse* and *The Gazette*, which published a cartoon of bin Laden in which he is portrayed in a feminized manner and is clad in a burka. Further, Jiwani observes, this type of feminized depiction of the Other both "objectifies the enemy" but also enfeebles him so as to validate his "conquest, domination and/or annihilation."[116] Afghan men, in these articles, are further depicted as "barbaric savages and as weak, feminized through ruthless hordes, needing to be

contained."[117] Meanwhile, Afghan women were represented as the victims of these savages and awaiting their salvation by the "civilizing forces of the West."[118] Jiwani argues that these women were "rescued" through the discursive practices of the Canadian media; that the media, by depicting these women as victims, was able to support the stereotype that all Muslim women are victims of "barbaric Islamic practices and savage Muslim men."[119] Finally, Jiwani notes that what is evident in news stories published on these topics is the reproduction of notions of binary opposition between the progressive West and the passive East and with women situated as the focus of varying discourses. By presenting Afghan women as typical subjugated objects, the Canadian media has highlighted the distinction between the enlightened, democratic and modern character of Canada with its binary opposite in the East.[120]

Frances Henry and Carol Tator have also examined the Canadian media and its role as an agent of perpetuation of the hegemonic order. For them, the media should be considered as one of the most influential institutions within a democratic state, helping to diffuse its primary cultural representations, concepts, and symbols, in addition to national myths. Henry and Tator also note that discourse emanating from the media has a significant effect in reproducing the values and beliefs of the dominant group within society.[121]

Thus, the values and the characteristics attributed to the dominant group in Canada become closely related to social status: "white…is the colour of domination."[122] The attributes of minority groups, then, have their own implications, which are in turn reproduced within the discourse of institutions, the media, politicians and public servants, and other individuals with influence on attitudes and worldviews.

Henry and Tator cite the case of black Canadians as portrayed as having a greater criminal disposition, which would suggest that individual behaviour is influenced by the colour of one's skin; this, for them, forms the basis of racist ideology, which "organizes, preserves and perpetuates a society's power structures. It creates and preserves a system of dominance based on race, and it is communicated and reproduced through agencies of socialization and cultural transmission."[123]

I would assert that this notion of racist ideology—which can be situated within an Orientalist discourse—as it is present within institutions such as the Canadian media, can be expanded beyond the borders of the state. Just as Canada's Orientalist discourse can be broadened into its foreign policy, so too can the racist ideology present in the media be projected onto its views of foreign relations. Ultimately, I would argue that the notion of a racist ideology, as expressed in articles on China and human rights, can be attributed to an Orientalist world view that is found not only in the discourse of public officials but also in that of institutions such as the media, which reproduces the ideology of its elite ownership and of a society which views the practices of an Other such as China as morally inferior. And while critics may point out that Canada is not only a plural society which welcomes a range of views and perspectives, but also a democracy in which each of these perspectives is given an equal opportunity for inclusion, the presence of "democratic racism", deeply entrenched within those same institutions, permits a public display of a commitment to democratic principles, while excluding various groups at the same time. This exclusion is perpetuated through the actions of both individuals and institutions, and as noted by Henry and Tator, both

"*coexists* with negative feelings of minority groups" and "*conflicts*" with them at the same time.[124]

For Henry and Tator, discourse carries social implications in that it includes notions of power which reproduce the interests of the elite. In this sense, the "elite"—and here I refer to corporate and elite owners of media, most of whom have an interest in the promotion of Canadian markets, but also those in government—all have an impact on the forms that issues take as well as in designating the limits of "legitimate discourse".[125] In the case of the mass media, the elite ownership ultimately influences its content, which in turn reproduces, through discursive practices, the dominant perspectives of major decision-makers. Here, it is important to recognize that major decisions on content are ultimately undertaken by the elites. The media, then, serves as an instrument for supporting the perspectives of the dominant culture, as well as for advancing that group's economic and political objectives. As asserted by James Winter, the corporate ownership of the media pass on a distorted image of the world, which is progressively absorbed by the audience and ultimately becomes the basis for new discourses. For him, the media acts in a manner which justifies what is in reality an undemocratic system.[126] In the case of the shift toward a human rights discourse in Canada, it is important therefore to consider who would have an interest in such a policy change. Certainly, some business groups—such as the CCBC—have clearly indicated a discomfort with the new approach, and would advocate a return to a policy of engagement, such as that which was promoted under the Team Canada strategy. But others, such as Conservative Jason Kenney, operate under the assumption that to focus

on human rights in China will have no substantial impact on economic relations, and therefore can be an effective approach.

Jiwani's examination of the backlash stories highlights the role of the Canadian media in articulating national perspectives of Canadian identity and values, which includes notions of benevolence, multiculturalism and tolerance. In the case of articles on Sino-Canadian relations and Chinese human rights practices, this self-concept has been an important point of departure for assessing China's activities but also for establishing a moral gulf between the two countries. Jiwani's textual analysis of Orientalist depictions of Afghan men and women further highlights an ideological perspective which views the Oriental Other in binary opposition to the civilized Western world. As the case study of *The Globe and Mail* will demonstrate in the following section, Chinese citizens and the Chinese authorities are depicted in similar terms of vulnerable victims requiring protection from a sinister and devious regime. Furthermore, just as Osama bin Laden's feminized characterization permits his ultimate "conquest, domination and/or annihilation", descriptions of the Chinese government similarly lends justification to Canada's censure and moral domination of that country.

For their part, Henry and Tator's analysis of a racist ideology primarily serves a discussion on domestic discourses of domination. But this ideology, which "perpetuates a society's power structures", certainly forms the basis for reporting on foreign relations as well. The most important facet of Henry and Tator's discussion centres on the issue of discourse and in the manner in which media content is determined. In examination of the content of stories on Sino-Canadian relations, the decisions on what is included and what is excluded are therefore made in consideration

of both major advertisers and of the corporate ownership. But, more importantly, these decisions and the stories themselves are based on a pre-existing perspective which has initially been produced at the elite level. This is demonstrated in the manner in which the shift in governmental discourse on China was reflected by an increase in focus on China and human rights in the same period at the media level. While this is not to suggest that this increase in focus was in any way explicitly determined at the elite level, it does indicate some degree of a shared perspective on the issue among the two institutions.

The Globe and Mail on China and Human Rights

I have selected *The Globe and Mail* for analysis in this chapter for two reasons: first, it is a national newspaper which reports widely on foreign affairs; and second, it has reported extensively on both human rights issues in China as well as on the Huseyin Celil case, which will serve as the basis for my analysis of the real-world impact of the change in Sino-Canadian relations, in chapter four. *The Globe* is also Canada's oldest national newspaper and, due to its obligations of reaching audiences across the country, is considered to represent a "pan-Canadian" perspective on domestic and foreign issues.[127] In my analysis of *The Globe*'s coverage of China and human rights, I sampled 50 articles which contained the terms "China" and "human rights" in either the headline or lead paragraph, dating from August 2004 to August 2008. The articles I selected represented a variety of formats, including editorials, commentaries, news articles, and business and travel articles.

In the target period, there have been 4,830 articles published on China, and within that total number, 212 cited "human rights" in either the headline or lead paragraph. This represents four per cent of the articles written on China during that period. By expanding the parameters to include the whole text of the article, there were in total 13,224 articles in the period from 2004 to 2008 which contained the term "China". From those articles, a total of 747 articles contained the term "human rights", representing just over five per cent. Thus, whether examining the whole text of the article or the headline and lead paragraph, the overall percentage of articles on China and human rights remains effectively the same, at four to five per cent.

A different trend emerges, however, when examining the articles within two distinct periods—pre-2006 and post-2006. During the first period, of August 2004 to August 2006, there were 66 articles published which discussed China and human rights; in the second period, however, from August 2006 to August 2008, that number more than doubled, reaching 146 articles on the same topic. By increasing the parameters, as was done above to include the whole text of the article, a similar pattern can be observed. In the first period, 286 articles discussed the topic of China and human rights; during the second period, that number nearly doubled, reaching 461 articles.

Although these figures do not lead to any obvious conclusions, they do suggest a general pattern of an increase in a focus on human rights in China over the course of the entire period. This increase, interestingly, corresponds to the increase in governmental discourse on China and human rights which took place in the period following 2006. There are other factors, of course, which may account for this increase: the protests and ensuing crackdown in Tibet in early 2008, the impending Olympic

Games of 2008, or the more general trend of China taking a more prominent place—and thus attracting a greater focus—within the international community.

In addition to the post-2006 increase in a focus on human rights in China, however, there also appears to be a disproportionate number of articles written on the same topic, relative to other countries with—arguably more serious in some cases—human rights problems. In fact, within the same period of August 2004 to August 2008, there were a combined total of 117 articles published with "human rights" in the headline or leading paragraph on the following countries: Zimbabwe, Iran, Syria, Saudi Arabia, North Korea, Sudan and the Democratic Republic of the Congo. This figure of 117 represents just over half of the total number of articles published on China and human rights over the same period. This would suggest, at a minimum, a lack of balance in the reporting of human rights issues, particularly as China would not likely be classified among the most serious of human rights violators.

An analysis of those articles sampled from *The Globe* revealed a number of general themes. These included the expansion of the concept of "human rights" to include issues and events that would not traditionally be categorized in such a manner; that China has been accepted as a legitimate object of debate for Canadians on the issue of human rights; that journalists and editors appeared to take a position in support of minority groups in conflict with the Chinese government; that groups and individuals opposing the Chinese government were portrayed in Orientalist terms as simultaneously virtuous and as victims, while Chinese authorities were most often depicted as sinister and overzealous, and at times as absurd; and that a trend of a moral

gulf was presented between the actions of China and that of other countries, such as Canada.

The first general theme that has been evident among the articles has been the manner in which the concept of human rights has been expanded to include a broader range of issues, as well as to spread the responsibility of human rights abuses in other states to the Chinese government. Articles on the 2007 crackdown on protesters in Burma promoted this claim. One article suggested, "China has blood on its hands. When troops fired on unarmed protesters in Myanmar yesterday, it's a good bet they were firing Chinese bullets from Chinese guns."[128] The author suggested that as Burma's primary arms supplier and trading partner, it was therefore equally to blame for the events in that country. This perception was echoed in an editorial, which noted that China's failure to end the crackdown revealed its true character: "Buddhist monks were shot in the streets. Pagodas were emptied. Bodies were seen floating in rivers. So much for China as a benevolent force."[129]

An article on the effects of the May 2008 earthquake in China's Sichuan province also cited human rights abuses by authorities; the journalist cited the government's requirements for parents to sign an agreement not to conduct protests in exchange for earthquake compensation. While such revelations are certainly troubling and would appear to violate certain political rights of the individuals involved, these should not be categorized as human rights violations, as they do not constitute fundamental violations which would prevent those individuals from living their lives with dignity, or without pain or suffering. In addition, the journalist's use of emotional language is notable here: "most despicably, the government sent its agents around to

the parents with hush money, promising them nearly $9,000 in cash, plus a pension, if they agree to stop making a fuss."[130] Furthermore, the depiction of government officials as the "agents" of the Chinese state evokes an image of instruments of a sinister regime, rather than one of bureaucrats carrying out their responsibilities in the wake of a natural disaster. One must ask whether it would be possible to draw alternative conclusions on the motives underlying the Chinese government's actions here. Another reasonable conclusion that one could draw from the events described in the article would be that the governmental authorities, in response to public demands for action following the earthquake, responded with compensation payments. The article, however, does not specify how "hush money" is distinguished from legitimate efforts at compensation and the reader is left with an impression of a corrupt government.

A third and final example of articles which redefined the scope of human rights was a piece written by Geoffrey York, *The Globe*'s Beijing Bureau chief, on reports of seizures of family pets in the capital city. Those protesting a law limiting the heights of dogs within the city of Beijing were depicted as human rights activists, fighting against an overzealous—and irrational—government. Again, the language used in the piece belies any claim to objectivity:

> the police swooped down on a southern suburb of Beijing and seized a gang of law-breaking culprits. The chief suspects: an English sheepdog, a Siberian husky and a Labrador retriever. Their crime? Exceeding the 35-cm height limit for dogs in the city.[131]

There are a number of problematic issues with such a story, such as, firstly, the decision to select this topic for publication; it is unclear how a story on the enforcement of a pet bylaw warrants coverage among other reports on international affairs.

Secondly is the use of such provocative language, which depicts the incident with derision and ultimately invalidates any sense of legitimacy among Chinese law enforcement officials, who are described as irrational in their "targeting" of canine criminals, in addition to their apparent obsession with carrying out their duties. And thirdly, the characterization of pet owners in this story as victims whose rights have been trampled on undermines genuine claims of human rights abuses, as this incident clearly goes beyond the scope of what is accepted as human rights.

A second general theme which was evident in the sampling of *Globe* articles was that China has been presented as a legitimate site for debate among Canadians on the subject of human rights. One article suggests that many Canadian families were divided over the issue of whether or not it was ethically acceptable to watch the Beijing Olympics; this is presented in the article as a general trend that was a major line of conflict running through Canadian households. A source in the article also suggests that the Olympics could serve as a useful springboard for family discussions on human rights.[132] This suggests that the topic of China has now become inextricably linked with the issue of human rights, as though that were now the main trait with which one can associate that country.

A travel feature article discusses the debate on ethical travel, and China is included here among those countries deemed to be ethically questionable destinations:

> the Olympics may have focused attention on China, but it's hardly the first destination to present travellers with this sticky dilemma: go, and possibly support a repressive regime with tourist dollars, or stay away, and deprive locals of contact with the outside world.[133]

This discussion invests Western travellers with a moral power to either legitimize a regime or to rob locals of much-needed financial support. This of course

debases the individuals of those countries by suggesting their dependence on the West for their salvation in the face of a ruthless government. Moreover, it lends Western tourists the power to decide which countries are deemed civilized and thus acceptable as travel destinations, and those which are not.

The next theme that was observable in the articles was that in cases of conflict between the Chinese government and minority groups such as Tibetans and Uighurs, *The Globe and Mail* appeared to take a position in support of the latter groups. Uighurs such as Canadian citizen Huseyin Celil are portrayed as fighting for their freedom from the Chinese government.[134] And while many would support the position that Uighurs are indeed freedom fighters, it is somewhat surprising to see *The Globe* taking a clear position on such a complex issue: "the Uighurs, like the Tibetans, were resentful of Chinese dominance of their homeland. Like the Tibetans, they have been subjected to decades of repression by Chinese authorities who feared an independence movement."[135] On the issue of Tibet, *The Globe* again appears to take a position in support of the minority group, calling Tibet China's "sovereign neighbour" which had been "invaded" by the Chinese.[136]

A trend that has appeared repeatedly throughout the articles sampled and which contains distinct references to an Orientalist discourse is the manner in which individuals are portrayed in opposition to the Chinese government, wherein the former are frequently depicted as vulnerable victims facing a sinister and corrupt governmental machine. Huseyin Celil, the Canadian imam who now sits in a Chinese prison, convicted of terror-related charges, is depicted as an "activist"[137]; in comparison, the

Chinese justice system is corrupt and vindictive: "the Chinese justice system took its first crack at Cehli on a late summer day in 1994."[138]

One article portrays a blind Chinese activist as a virtuous, but defenseless individual who has bravely stood up to a brutal government. Here again, the use of provocative language suggests swift retribution by Chinese officials: "Chinese authorities have moved quickly to crush an attempt by a group of prominent lawyers to lend support to a blind activist who was jailed after he exposed an official campaign of forced abortions and sterilizations."[139] It appears that any individual who stands in opposition to the Chinese government—the "government" in China is frequently depicted as a monolithic body, despite a strong decentralization in that country—is portrayed in heroic terms, as supporting universal values of human rights which presupposes a conflict with governmental authorities. The vindictive manner in which the authorities are purported to have acted in the above case is also noteworthy, "local officials in Shandong were so infuriated by his actions that they launched a series of attacks on Mr. Chen and his supporters."[140]

A third article, which tells the story of a recent refugee from China to Canada, Liu Dacheng, describes the subject as a soft-spoken victim who had the courage to stand up to the Chinese authorities (Liu had been sentenced to prison in China in 1989 after being arrested for pelting a portrait of Mao with eggs during the student protests in Tiananmen Square.) "We didn't want to commit violence, so we didn't use glass bottles. We used eggshells. I remember bystanders started applauding. Some people disapproved, but I felt the majority were with us."[141] Canada is depicted here in Orientalist terms as a morally superior and civilized country that China could learn

[illegible] "[illegible] stop at red lights. Even when no one is around, they wait for it to turn green. If only people in China were like that. What a civilized country this is!" The criteria for a civilized country here, a strong obedience for traffic laws – and work, [illegible]' ability to restrain themselves from killing wild animals for food – again create a moral gap between civilized [illegible] and backward China. "He is amazed by the squirrels that scamper freely in the park, with no one trying to slaughter and eat them."[47] Again, the choice to include Mr. Liu's observations about squirrels in [illegible] reveals at least an implicit perspective on the civilizational differences between the two countries.

Another article describes the events surrounding the censorship in China of the work of Daniel Bell, a [illegible] philosophy professor at Tsinghua University. Mr. Bell is described as a quiet and soft-spoken man – again, the choice to include a character description here is revealing – who was the target of censorship [illegible] reasons:

> Daniel Bell, a mild-mannered philosophy professor from Montreal, doesn't seem an obvious target for the Chinese censors. But he unleashed the censors when a Chinese academic journal tried to publish his idea for a Confucian-style political chamber in Holy [illegible] China.[48]

From that Mr. Bell is being targeted here, despite his [illegible] Holy [illegible] China". The language suggests an inevitable conflict between the values of human rights with the Chinese state, whose censors lie in need of [illegible] which is then [illegible] and harshly.

Another article by the Beijing Review about [illegible] protests on the eve of the Olympic Games, with Chinese authorities as being "committed to a [illegible] game with an array of foreign governors". Also again suggesting an element of [illegible] amongst the activities of the Chinese authorities, which are depicted as

playing childish games with foreign activists."[139] Such language undermines Chinese officials and therefore permits the reader to develop a sense of moral superiority over them. Another article by York, "Beijing Lockdown", again describes the Chinese government as a menacing and devious machine, eager to enforce its will. In it, the 2008 Olympic Games are likened to the 1980 Games in Moscow—this, before the Opening Ceremonies had yet taken place—as an opportunity for the state to revive the "old Marxist system":

> *just as in China today, the 1980 Olympics were exploited by the host government to glorify its political system. Just as in Beijing today, the Soviet authorities used the Olympics as an excuse to round up dissidents, the homeless, and anyone else who might embarrass the government.*[140]

The suggestion that Beijing is demonstrating a glorification of the communist system, rather than national pride, is not explained in any further terms. It also ignores that China has made dramatic changes since its opening after 1978, which in itself was a primary reason for which Beijing had been selected to host the Olympics. And while Mr. York's claims of China's coercive practices in "cleaning up" the city in the lead-up to the Games is grounded in evidence that raises some troubling questions about the rights of certain Chinese citizens, this overlooks the fact that Canada itself is contemplating ways in which to "clean up" the streets of Vancouver's downtown eastside—consisting of large numbers of homeless individuals—in the lead-up to the 2010 Olympics.

Finally, what is perhaps the most disconcerting theme which appears in the work of various *Globe* pieces is the moral distinction made between China and the *civilized world*, where countries such as Canada are justified in any attempts to teach China to operate as a legitimate participant in the international community. A business

article describes how Canadian companies are pulling out of "dubious" countries over concerns of issues such as human rights. The journalist asserts that China finds these morally questionable countries to be unproblematic and is "delighted to fill the vacuum."[146] He continues to assert that China (along with India, here) has "no qualms about treading in the oil muck of mucky countries, where corruption and insecurity may be rife. Canadian companies do."[147]

Further to this theme, an editorial, which chastises China for publishing a report on the United States and human rights, suggests that China does not have the moral standing to justify any human rights claims; this suggests, then, that China can *only* serve to receive rights claims by its citizens and by other countries, not vice-versa:

> For all its economic advances, China remains an authoritarian state with an appalling and worsening, human rights record. It has invaded and annexed its sovereign neighbour, Tibet. It suppresses free speech. It severely curtails religious freedoms…Imagine the gall, then, of Chinese functionaries who have produced their own report entitled Human Rights Record of the United States in 2006.[148]

The Globe's editorial board suggests also that China must "take to heart" a moral lesson if it is to "receive the international legitimacy and acceptance it covets."[149] This of course is based on an assumption that China lacks international legitimacy, which is interpreted here as a lack of *Western* legitimacy; this view fails to see that the global South does indeed perceive China as a legitimate international participant, and this is a reality that has been predominantly ignored in the West, as is demonstrated here.

Finally, if we return to the conflict between the Uighurs of Xinjiang Autonomous Region in China's northwest and the Chinese government, the former—which as we have already seen enjoy the moral support of this newspaper—are attributed a number

of qualities which suggest yet another civilizational gap which distinguishes them from their Chinese oppressors:

> relations between the Chinese and the Uighurs were never entirely comfortable, however, and the Chinese considered them a barbarian people. In fact, the Uighurs were advanced in art, architecture, music and medicine, and they practiced a complex agriculture, using an extensive system of canals for irrigation.[150]

This reading of the Uighurs lends support for their claims against the Chinese state, by demonstrating the civilizational qualities that both distinguishes them from China and raises their status to that of the civilized world. This is the central focus of the Orientalist argument against China: that it lacks the civilized qualities of the Western world as demonstrated by its brutal human rights practices and thus requires the ongoing guidance of countries such as Canada. As the articles discussed above have demonstrated, *The Globe and Mail* appears to support this ideological perspective which would increase the human rights focus on China in order to pressure it to join the enlightened world. This has included extensive Orientalist discourse, which portrays anyone who opposes the Chinese regime as brave yet vulnerable activists who would face the wrath of a corrupt and vindictive—yet irrational—governmental machine. In so doing, this lends these individuals an unqualified legitimacy as supporting universal values which stand in stark contrast to those espoused by the East Asian country. And ultimately, China has thus been accepted as an unquestioned site for debate on the issue of human rights, and it is now largely through this lens that the country is perceived in the Canadian media. Notably, this focus on China and human rights has corresponded with the Canadian government's post-2006 shift with regards to its China policy. This

supports the argument that the media in Canada serves to reproduce the ideological perspective of the elite, particularly in cases of elite corporate ownership.

This apparent association between the discourse of the Canadian government and that of the Canadian media becomes yet more significant in the case of Huseyin Celil, which I have briefly mentioned in this and other chapters. In the case of this Canadian citizen imprisoned in China, the discourse of both groups voiced strong support for Canada's public intervention in yet another example of Chinese human rights abuses. And while previous discussions on recent Sino-Canadian relations have briefly argued that their cooling off has resulted in tangible negative effects, this is effectively demonstrated in the outcome of the Celil case, which will serve as the focus for chapter four. With both the Canadian government and the Canadian media publicly calling into question China's moral character, this case has—perhaps not surprisingly—resulted in the near-complete shutdown of bilateral diplomacy, demonstrating the real-world consequences for this recent shift in foreign policy.

CHAPTER FOUR: CHINA POLICY OUTCOMES: THE HUSEYIN CELIL CASE

Thus far, I have examined the content of Canadian Orientalist human rights discourse and the manner in which it has been manifested in the discourse of public officials as well as in the Canadian media. I have argued that this discourse has been evident as part of a shift in Canada's China policy that took place in the post-2006 period, following the election of the Harper government and has resulted in a cooling off in Sino-Canadian relations. In chapter two, I discussed a number of ways in which the Chinese government has demonstrated its displeasure with what it perceives as interfering and moralistic lecturing from a Western country and has ultimately reduced the influence that Canada has had on China's actions in the area of human rights. In chapter four, I will examine the effects of Canada's Orientalist position and public censuring of China through examining the outcome of a bilateral consular dispute, that of Huseyin Celil, a Canadian citizen accused and convicted of terrorism-related charges and sentenced to life in prison in that country. Because China's official records on the case remained sealed in the State Archives and likely will not be released any time in the near future, it is difficult to obtain any conclusive answers to questions regarding China's perception of the events surrounding the Celil case. At the same time, however, it is possible to draw conclusions based on the actions of both Canadian and Chinese officials; they suggest that Canada's inability to convince China to cooperate in the case of Huseyin Celil, a Canadian citizen accused and convicted of terrorism-related charges and sentenced to life in prison there, can be seen as the product of Canada's public reproaches of China's human rights practices and a resulting negative reaction from the Chinese government which has perceived Canada's China policy as an attempt to interfere with its internal decision-making process. As has been discussed in previous

chapters, I would assert that this ultimately demonstrates, in very real terms, the loss of influence that Canada has suffered as a result of this Orientalist policy, and at a time when its influence was critical: in the case of a Canadian citizen whose human rights have indeed been in jeopardy. This failure to be able to represent and defend the rights of a Canadian citizen at his most vulnerable would ultimately, then, demonstrate a failure of the new China policy in the sense that this policy has promoted the enforcement of the protection of human rights as one of its primary objecives, and one in which Canada has been unable to ensure in this case.

This chapter will then serve as a case study, examining the circumstances surrounding the imprisonment and sentencing of Huseyin Celil, a case which has tested the current standing of bilateral relations. I will begin with an overview of the Celil case, including the circumstances surrounding his detainment and conviction, as well as broader issues of conflict that the Chinese government experiences with is minority groups, as well as China's position within the international refugee systen. While this case is largely that of a consular dispute, it also can be situated within the bounds of human rights as well, and is thus appropriate as an assessment of Canada's ability to influence China's practices in that area.

I will then examine how a perceived rift between the government n Ottawa and its diplomats in Beijing can both be seen in the context of this shift in policy, as well as the manner in which Canada's ability to work on behalf of Mr. Celil was somewhat hampered by these diverging approaches. The discrepancy in the strategies of diplomats in Beijing and officials in Ottawa can be further examined through the actions and statements of government officials in Canada, whose interference in the

work of consular officials and whose public comments on the case can certainly be considered as factors which hindered the outcome of the situation.

Thirdly, I will examine how Canada's attempts to work on behalf of this Canadian citizen were received by Chinese authorities and the apparent failure of Canada to achieve any real concessions on the case, notwithstanding some more recent minor compromises that have been made in the wake of the verdict and the appeal.

Finally, I will situate the outcome of this case within broader Sino-Canadian relations and examine how in fact Canada's Orientalist position on China, which began in 2006, has affected relations in a very real way and in a manner which has had a major impact on the lives of individuals such as Huseyin Celil and members of his family. While theoretical discussions about the negative impacts of an Orientalist discourse certainly reveal the presence of perspectives and attitudes which are indications of a troubled relationship, it is within such real cases as that of Huseyin Celil that the real problems of this trend can be witnessed. When a government is no longer able to act effectively on behalf of its citizens as a result of its own foreign policy, there is a clear indication that such a policy warrants revisiting.

The Detainment of Huseyin Celil- the Uighur Case

The Xinjiang Uighur Autonomous Region (XUAR) of northwest China has long been the site for conflict between the local Uighur population and government authorities in China. This has intensified since the 1990s, when a series of bombings and other incidents of violence emanating from a separatist movement resulted in harsh crackdowns on any forms of dissent in the region. More recently, the XUAR has

become of strategic importance in China with the discovery of oil resources in the region and the construction of a pipeline from Kazakhstan to China, which traverses the province. It is within this context that the events surrounding the detainment of Huseyin Celil must be considered, as a Uighur imam in the region, accused of terror-related activities against the Chinese state.

There are more than eight million Uighurs living in China, most in the XUAR. Those accused of terrorism, like Mr. Celil, are generally linked to East Turkestan movements, such as the East Turkestan Islamic Movement (ETIM), which promote an independent Uighur state resembling the short-lived East Turkestan Republic, a state which briefly existed during the late 1930s and 1940s.[151] Those connected to the ETIM or other Uighur groups are routinely labelled as one of the "three evils": separatism, terrorism or extremism. In recent years, many Uighurs have left China and applied for refugee status or political asylum in neighbouring countries, including in Kazakhstan, Kyrgyzstan, Uzbekistan, Pakistan and Nepal. Those individuals who have been forcibly returned to China have faced harsh punishments—this includes reports of torture and of executions—as those who are returned are generally accused of one of the three evils of crimes against the state. Indeed, allegations of torture do remain troubling for human rights organizations, and it is contended that various forms of torture have been used both as a punitive measure and as a means to extract confessions from suspects. In the case of Mr. Celil, a confession which he claims was elicited under duress served as the foundation for his trial and ultimate conviction, and reports of similar circumstances surrounding the detention of other Uighur refugees certainly raise questions about their human rights. In light of this, it is clear that any Uighur

political refugee or asylum-seeker is at risk of cruel or inhumane treatment if forcibly returned to China and should therefore be protected by the principle of non-refoulement.

Huseyin Celil, then, serves as but one example of Uighurs who have been returned to China under questionable circumstances and who have received harsh punishments upon return, though of those individuals Mr. Celil is the sole Canadian citizen. Mr. Celil had fled China in the mid-1990s and was declared to be a UNHCR refugee. He subsequently arrived in Canada in 2001 and gained Canadian citizenship in 2005. A year later, Mr. Celil, during a family trip to Uzbekistan, was arrested by authorities there and extradited to China. Upon his return, he was charged with terrorism-related charges and was ultimately convicted and sentenced to life in prison. During his detention, he—as noted above—allegedly gave a false confession under duress, after being subjected to sleep deprivation and being informed that he would be buried alive if he did not confess to the crimes he was accused of.[152]

According to Chinese authorities, Mr. Celil had been charged with providing funding to Hezbollah in 1997 in Guangdong province of southern China. The head of the organization had allegedly used the funds to purchase weapons and to train its members in terrorist activities.[153] In addition, the court in China found that Mr. Celil had been a participant in the activities of the East Turkestan Islamic Movement—a UN-listed terrorist entity—and was also a member of the East Turkestan Liberation Organization. Purportedly, Mr. Celil had assisted in the formation of an association between the aforementioned groups in 1998, which had been accused by the Chinese authorities of acts of terror including bombings, arson and assassinations, killing more than 160 people over the past ten years.[154]

Canada has not protested the charges levelled at Mr. Celil; Canada's dispute with China in this case has rather been with China's refusal to recognize Mr. Celil's Canadian citizenship and therefore its denial of his rights for access to Canadian consular officials. In addition, Canadian officials are concerned about claims of violations of Mr. Celil's rights, including his claims of torture while in detention as well as apparent infringements of his right to due process, as he had not been permitted to meet with his attorney.

Canada issued a formal diplomatic protest upon the sentencing of Mr. Celil to life imprisonment. Moreover, Peter MacKay, as Foreign Affairs Minister at the time, stated that Canada would review a 1999 Sino-Canadian consular agreement.[155] This refers to an agreement between the two countries, which would render travel less problematic for Canadian citizens of Chinese origin. In addition, as per the agreement, Canadian citizens of Chinese origin were to be allowed to enter China and travel within that country using their Canadian passports and thus to be considered as Canadian citizens for reasons relating to consular access. In regards to those Chinese Canadians who either make frequent trips to China or who stay for extended periods of time, this agreement is less clear, stating that those individuals are to be regarded as citizens of the state in which they "customarily reside."[156] Of course in the case of Mr. Celil, he had not been to China since his swift departure as a refugee, and only found himself in that country after having been forcibly returned from Uzbekistan, which violated the international and non-derogatory principle non-refoulement. The Uzbek government, for its part, claims that Mr. Celil was extradited for prosecution, having been placed on an Interpol wanted list. It should be noted, however, that "Interpol" in this case refers

to the "Interpol National Central Bureau" in Uzbekistan, and not the international law enforcement agency of the same name. It is therefore difficult to verify the legitimacy of Mr. Celil's extradition to China under Uzbekistan's claims to a case of law enforcement.

Non-refoulement is the principle designed to protect refugees or asylum-seekers from being returned to states where their lives or freedom would be threatened for reasons relating to race, religion, nationality, or membership of a particular social group or political opinion.[157] It is set out in a number of international instruments including the 1966 Principles Concerning the Treatment of Refugees and the 1967 Declaration on Territorial Asylum (Article 3), among others; it is also affirmed by Articles 33(1) and 33(2) of the 1951 Refugee Convention, Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and Article 13(4) of the Inter-American Convention to Prevent and Punish Torture.[158] Moreover, the Torture Convention prohibits its parties from the refoulement of an individual if there are grounds to suspect that in doing so that individual would be at risk of torture. With the exception of Pakistan, all countries involved in the forcible return of Uighur refugees and asylum-seekers to China (including Uzbekistan) have acceded to the Torture Convention.

Despite the clear determination of the non-derogable nature of the non-refoulement principle, more recent concerns related to international terrorism have created a space for the potential refoulement of those alleged to be terrorists. This was articulated in the UN Security Council's Resolution 1373, which permits states to enforce refugee status to terrorists under Article 1F of the Refugee Convention. This

does remain problematic, however, as there is no established international definition of terrorism and it therefore becomes dependent upon the decisions of individual states of who is and who is not classified as a terrorist. What has been established by the UN Draft Comprehensive Convention on International Terrorism, however, is that membership of a terrorist organization is not itself sufficient to be categorized as a terrorist.[109] China's efforts to have Uighur groups designated as terrorist organizations following the events of 11 September 2001 is therefore of significance. It suggests that it may be using the terrorist designation as justification for the forcible return of Uighurs, despite the principle of non-refoulement.

Ultimately, then, there are numerous problems with the case of Mr. Cüdi, beginning with his forcible return from Uzbekistan which certainly raise questions about the protection of his rights. In addition, China's refusal to permit him consular access by Canadian diplomats violates a consular agreement between the two countries, which stipulates that Canadian consular officials are permitted to ensure the rights of Canadian citizens living or travelling in China. According to the agreement, Canadian consular officials are to be given immediate notice of the arrest or detainment of any Canadian citizen in China, and they are also permitted to visit Canadians, as well as attend their trials and provide necessities such as food, clothing and medical items.[110] Mr. Cüdi was also prevented from contact with his attorney and was represented instead by a court-appointed lawyer during his trial.

China's position on the citizenship of Mr. Cüdi also appears to be in breach of its own legislation, which specifies that a Chinese citizen automatically loses his or her citizenship upon gaining that of another country. This is set out in Article 9 of the

Nationality Law of 1992, which states that "any Chinese national who has settled abroad and who has been naturalized as a foreign national or has acquired foreign nationality of his own free will shall automatically lose Chinese nationality."[37] Correspondingly, Art. 3 (d), upon receipt of his Canadian citizenship, should have automatically lost his Chinese citizenship.

China has apparently claimed that because Art. 3 (d) that China enforce either official possession or a passport, he should not have been eligible for Canadian citizenship and thus regards his citizenship in Canada as invalid.[38] Of course, this ignores how political refugees are not in a position to request permission to leave their countries and therefore must do so without documentation. China's position does therefore raise questions about its support for the international refugee system, despite the fact that it is a signatory to the 1951 Convention and has ratified the 1966 Protocol.

Domestically, China has not created any legislation which would address the terms of either of these agreements. Legislation for the protection of refugees is currently under review, however, and will possibly result in the development of policies that conform to the terms of the Convention. Yet beyond a lack of domestic legislation which would implement China's obligations as a signatory to the Refugee Convention, China has actively violated these obligations through other legislation that is law enforced and through extradition agreements with neighbouring countries. This country has worked that China's actions demonstrate its attempt at "total sovereignty" in prohibit refugees in Canada of Chinese origin who have been active in criticisms of China's human rights practices.[39] That is recent years, countries such as Cambodia, Kyrgyzstan, Kazakhstan, Pakistan and Nepal have all come to demand or otherwise

agreements with China on the return of Uighurs to that country as part of regional collaboration on the fight against the so-called three evils, suggests that this is indeed the case. And in the case of Huseyin Celil, it certifies that Canada has found itself dealing with China on a clear case of human rights and consular issues, wherein the outcome would have a very real impact on the life of a Canadian citizen.

Canada's Public Position on the Celil Case

The shift in Canada's China policy has been evident in the apparent divergence in the respective positions of Canadian consular officials in Beijing and government officials in Ottawa, as demonstrated in the Celil case. Diplomats in China favoured the use of quiet diplomacy, working with their counterparts in the Chinese government to allow them to gain access to Mr. Celil. Conversely, the Canadian government in Ottawa pursued what was both a public and a private approach, wherein Mr. Celil's situation was presented by a number of high-level government officials to their counterparts on a number of occasions, but was also framed publicly in terms of human rights discourse, which we have seen in chapter two. And, as discussed in the previous chapter, the media in Canada largely took on this perspective as well, supporting the view that Mr. Celil's case would be best served by publicly pressuring China to respond to Canadian concerns and to respect both Mr. Celil's human rights but also those of consular access.

The split between Canadian officials in Ottawa and Beijing was apparent in the very public reprimand of the latter by the Prime Minister, who directed Canadian diplomatic officials to adopt the official Canadian line. A government official, in regard to the failure of diplomats in Beijing to attend an early court appearance by Mr.

Celil, stated that DFAIT "was supposed to have someone there. The Prime Minister is personally displeased that Canada did not have a representative apparently even trying to be at the trial."[164] The Prime Minister was also adamant that diplomats in Beijing would attend future proceedings in Mr. Celil's trial, which took place in the city of Urumqi, in Xinjiang province. The public suggestion that Canadian diplomats were not doing their jobs effectively by the Canadian government certainly indicates that at a minimum, the two groups perceived the most effective way to move forward on the case in very different terms. Moreover, it overlooks the reality that Canadian diplomats in Beijing were kept deliberately uninformed about Mr. Celil's case and were therefore not in a position where they could have attended the Canadian's initial trial in Western China.

Further to this, some individuals in the Canadian government had been critical of the excessively "cozy" relationship between members of DFAIT and China, as well as their apparent lack of effort in pressuring China on issues such as religion and human rights.[165] A few weeks after Mr. Harper's censure of diplomats for failing to attend Mr. Celil's trial, the Prime Minister again criticized the department for neglecting the policies of the government in Ottawa. Notably, it was around this period when DFAIT directed its members to "align" their activities with the Canadian government's priorities.[166] This split has of course also been evident in the divergent views between the two groups on the status of human rights in China, as set out in the report made by consular officials in Beijing, who assessed the situation much more positively than those in Ottawa.

As noted above, various members of the government in Ottawa raised the Celil case, both publicly and privately, in an effort to pressure the Chinese government into allowing Mr. Celil Canadian consular access, but to little avail. According to Peter MacKay, the Canadian government raised the issue with Chinese authorities on some 200 occasions in the period between June 2006 and April 2007. In fact, each contact that took place between Canadian government officials and their Chinese counterparts was marked by the mention of the Celil case.[167] These included Canadian cabinet ministers, such as International Trade Minister David Emerson and Finance Minister Jim Flaherty, who waded into the area as well.

And just as *The Globe and Mail* has taken a strong position on the issue of China and human rights, reproducing the position of the Canadian government, it has also issued a strong focus on the Celil case, highlighting both the division between DFAIT officials in Beijing with authorities in Ottawa, as well as making an appeal for the perception of Mr. Celil as an innocent victim of China's violations of human rights. The Beijing Bureau Chief wrote in February 2007 about the failure of diplomats in China to ensure adequate and timely contact with Mr. Celil's family following his arrest. Through this journalist, *The Globe* appeared to support the position of the Canadian government, that diplomats should work to ensure the human rights protections of Mr. Celil, that current practices were not working effectively in the case. York stated,

> Critics say Canada should have done everything possible to fight for Mr. Celil's release from prison, even if it meant travelling to Xinjiang for the trial. Nineteen of his relatives, including his brother and mother, attended the court hearing, so they were a natural link to the imprisoned Canadian. Instead, it appears that the Canadian embassy in Beijing was preoccupied with formal requests to meet Mr. Celil. Those requests have been flatly refused by Chinese authorities since the beginning of the affair.[168]

The main question on the handling of this case centres on whether or not Canada's public approach was the most effective one that could have been implemented. Some suggest that quiet diplomacy, which is frequently used in consular disputes, may have been more successful. It is impossible to make conclusive judgements on this problem at the current time, as China's records are not made public; ultimately, whether or not quiet diplomacy would have been more effective will not decisively be known until the Chinese State Archives are opened, which is not likely to take place at any time in the near future.[169] Others in Mr. Celil's situation (such as Ismail Semed) have been executed, and it is therefore possible that the level of publicity that the case achieved in Canada was responsible for ensuring that he did not receive the death penalty. On the other hand, China's unwillingness to discuss the case with Canadian officials indicates the usual position that it was a matter of Chinese internal affairs, as well as a rejection of Canadian criticism of China's actions.

The question of Canada's use of a human rights discourse to frame the Celil case must be considered here as well. There are, as noted above, some human rights issues related to the case, such as Mr. Celil's right to due process. In addition, there is the very troubling issue of Mr. Celil's confession, which was purportedly coerced under conditions of torture. But on the other hand, this case consists largely of a consular dispute, with Canada and China in conflict over the citizenship of Mr. Celil and thus his right to Canadian consular assistance. A senior government official has noted the problem of domestic perception in Canada. In this sense, the major subtext of this case is the previous one of Maher Arar—wherein public opinion rests with the assumption of an innocent man abandoned by his country—that the government must consider here

as well. The government has, according to this official, been determined to be perceived domestically as defending its citizens from any human rights violations by a foreign country.[170] It is also important, therefore, to consider the Celil case within the "post-Arar context", where the Canadian government likely operated under a greater sense of obligation to pursue public, rather than quiet, diplomacy. The impression of the Canadian government's complicity in the Arar case—including that it appeared somewhat resistant to an inquiry—certainly has raised public sensitivity to the issue of protecting Canadians abroad, and the actions of the Conservative government in the Celil case do appear to reflect this development.

China's Response to Canada's Appeals

As noted above, Canadian officials at the senior level raised the Celil case with their counterparts on a vast number of occasions, with little response from the Chinese authorities. And indeed it does appear that these private meetings and public coverage of the case resulted in little success on the Canadian side. In fact, Canadian consular officials in China found themselves effectively shut out of the case; I would assert that this was due in large part to a Chinese reaction to both the general level of human rights discourse which had been emanating from Canadian officials since around 2006, as well as the very public coverage of the case, which had been linked to China's human rights practices. Just as China responded negatively to Canada's human rights rhetoric, so too did it react correspondingly in the face of Canadian posturing in this case.

During the short, five-hour trial of Mr. Celil, which took place in February 2007, Canadian diplomats were not permitted to attend the proceedings in the courtroom, nor

to visit the Canadian prisoner. And when Mr. Celil's sentence was handed down in April of that year, consular officials were again unable to enter the courtroom in Urumqi, but were required rather to wait in the lobby of the court building while the sentence was issued.[171] In fact, Canadian diplomats had no access to Mr. Celil whatsoever, despite their requests to the Chinese government which had been made repeatedly over a lengthy period. In July of 2007, Mr. Celil's appeal was overturned in court. At the proceedings, a Canadian consular official was again barred from the courtroom, made instead to wait in the hallway outside. Stated an editorial in *The Globe*, "the Chinese, annoyed by Canada's forceful representations thus far on Mr. Celil's behalf, were making the point that Mr. Celil's case is an internal matter."[172]

Following the verdict in the trial, the Chinese government issued a statement to Canada, asserting that it should be considered "China's internal affair". Said Liu Jianchao, spokesman for the Chinese Foreign Ministry, "the Canadian side has no right to interfere with the case. We hope Canada can take a correct position."[173] Foreign Affairs Minister Peter MacKay responded in kind, arguing that "the stakes are very high for Mr. Celil and certainly this case has had a spill-over impact on Canada's relationship with China."[174] In fact, at the height of the case, in April 2007, Mr. MacKay had met with his Chinese counterpart, Yang Jiechi, for a lengthy—nearly four hour—meeting, during which time the Celil case was discussed. Notably, this was the first visit of the Foreign Affairs Minister to China in his 15 months in office, and the meeting produced no results in favour of the Canadian position.[175]

In the end, Mr. Celil *was* permitted a visit with his (Chinese) lawyer in the early summer of 2007, following his sentencing of life imprisonment for terror-related

charges. He was, in fact, permitted two visits with his attorney, each lasting approximately two hours in length. Previously, he had been represented by a court-appointed lawyer, as his own had not been authorized to have contact with the prisoner during his trial proceedings. What appears to have played a part in this change in position is a meeting which took place between former Canadian Prime Minister Paul Martin with Chinese Premier Wen Jiabao, while Mr. Martin attended the African Development Bank's annual meeting in China. Mr. Martin spent some 30 minutes with the Premier, during which time he raised the Celil case and reiterated the Canadian position that Mr. Celil should receive consular access. And while it is not possible to determine what led to this change of position on the Chinese side, the timeline does indicate that the meeting played a role; considering that the Foreign Affairs Minister, after a lengthy meeting with his own counterpart, was unable to achieve any concessions from the Chinese government, this does suggest that Mr. Martin was in a stronger position to influence Chinese officials in this case. This could serve as an indication that the Chinese government is more willing to work with those tied to the previous government, which had pursued a strategy of engagement and collaboration with the Chinese, rather than those of the current government, which has characterized bilateral relations through human rights discourse and moralistic lecturing on its inability to meet international standards on human rights practices.

Finally, Mr. Celil was also permitted a brief visit with family members in early July 2008, following a request by the Canadian Prime Minister to Chinese President Hu Jintao the previous day during the G8 summit in Japan. And although the Chinese President agreed to pass the request on to local officials, it appears likely that the visit

had been pre-arranged, considering that family members had traveled a distance of some 1,000 kilometres to make the visit.[176]

Despite these more recent conciliatory gestures by the Chinese officials, the Canadian government was ultimately unable to achieve what it set out to on the Celil case: to ensure access to the prisoner by Canadian consular officials and to investigate claims of human rights abuses by Chinese law enforcement authorities. This failure cannot be seen as a result of a lack of effort on the part of the Canadian government; the Foreign Affairs Minister indicated that the issue had been raised on some 200 occasions between Canadian and Chinese officials; this includes a lengthy meeting with Peter MacKay and his Chinese counterpart, which itself achieved no concessions on Mr. Celil's behalf. In addition, the perception gap on Canada's ability to influence China's actions was apparent in the respective responses to the meeting; whereas Mr. MacKay indicated a favourable response from the Chinese, the state-run media in China cited a crack in the bilateral relationship. That Canadian consular officials, unable to meet with Mr. Celil, were not permitted to even attend his courtroom appearances, suggests that the notion of a perception gap is indeed likely.

This lack of understanding of Canada's standing with the Chinese government becomes of grave importance in the case of serious human rights situations such as that of Huseyin Celil. Regardless of his guilt or innocence, Mr. Celil could not be aided by his government, which had lost its ability to influence China's decision-making process after a series of public statements and negative media coverage on its backwardness in the area of human rights. Unfortunately in the case of Mr. Celil, it was precisely an assurance of his human rights that Canada was unable to make as a result of its public

attitude on China's moral standing in the world. In a situation in which a Canadian citizen's own human rights were at stake, the Canadian government found itself shut out of the case; after its refusal to work with China on human rights programs, it found China unwilling to do the same in return.

More recently, there have been indications that the Canadian government has moved to again modify its China policy. The appointment of David Emerson as Foreign Affairs Minister supports this view. In early August 2008, Mr. Emerson indicated a return to previous strategies on China, stating, "We have to engage. We have to manage the relationship and that's certainly going to be a top priority for me."[177] Of course, this will be but one step in repairing a relationship that has been significantly damaged in the course of the past two years, and if Canada intends to regain its influence in China, this will have to be followed up with a commitment to an increase in high-level meetings and a return to a policy of collaboration. These of course were the features of Canada's bilateral relationship with China in the past and from which the Canadian government departed significantly in 2006.

What lay at the root of Canada's policy shift in the post-2006 period? There are a number of factors that I have examined in this thesis, and I will take the time here to review them. Firstly, there is the simple issue of priorities. A new government must make difficult decisions on what policies and on what regions of the world it will focus, and it is of course impossible to include every topic and every country here. China, as noted earlier, did not figure prominently within the Canadian government's priorities following 2006. In addition, the Conservative government perceived previous attempts at engagement as little more than lip service to human rights, while in reality Canada did little to ensure their promotion in China; Prime Minister Harper indicated a strong desire to reverse this perceived trend when he stated that he would not "sacrifice" human rights "for the almighty dollar". Of course, the success of this policy has been

debated in this analysis—as demonstrated by concerns over the annual Bilateral Human Rights Dialogue—but this does serve as one factor in the policy shift. And we must also consider the role of the domestic audience, which was eager to see its government standing up for "Canadian" values abroad; as speeches from the throne indicate in this period, Canada was to re-exert itself in international relations, and publicly promoting human rights figured highly in this endeavour.

Regardless of the reasons for its change in direction, Canada's China policy post-2006 was conceptualized and implemented in a manner which would be fundamentally problematic for the Chinese government both ideologically, in regards to the human rights discourse which formed the basis of the policy, but also politically, as Chinese politicians have been reluctant to be perceived domestically as submitting to the interference of a Western country in light of China's historical experience of semi-colonial domination. This, of course, is precisely what the current China policy does: it defines China as an international human rights violator and uses this classification to subordinate it within the bilateral relationship and within the global community. Canada, conversely, is portrayed as a benevolent, progressive and liberal country and which serves as China's binary opposite, and which is therefore entitled to its moral castigation of that country.

And while there can be little doubt that China has indeed yet to reach international human rights standards, it is not clear what Canada's human rights discourse has achieved in the period after 2006. China has continued to grow economically—the Asian country enjoys a four-to-one trade ratio with Canada—and has taken a larger place on the international stage, and while still problematic, its

human rights activities have demonstrated progress in recent years. And in the area of trade, Canadian diplomats report steady improvement.[178] But politically, it is not evident that the China policy has been successful. As the Celil case demonstrates, consular officials have not been able to work with local officials in order to represent Canadians as effectively as possible; diplomats were not even permitted to attend the trial proceedings of Mr. Celil. Even high-level Canadian officials, including cabinet ministers and the Minister of Foreign Affairs, were unable to achieve any consensus with their Chinese counterparts in this case, one that appeared to be situated clearly within the boundaries set out by a bilateral consular agreement, as well as by China's own Nationality Law. While some say that Canada's public involvement in the Celil case may indeed have spared him the death penalty, this ultimately is unknowable and we can only surmise on the decision-making process that took place on the Chinese side. What *is* known, however, is that the only (minor) concession that was publicly made on the case took place *after* both Mr. Celil's verdict was handed down and his appeal had been denied, and this not by a member of the Canadian government, but rather the *former* Canadian Prime Minister. That Paul Martin's government had pursued a policy of collaboration and engagement with China does suggest that he was in a better position than those in the current government—even at the highest levels—to influence China's actions in this case.

Of course, the Canadian government, while the source of Canada's Orientalist human rights discourse toward China, was also supported by the media in Canada, which served to reproduce pronouncements espoused by the China policy. As reports in *The Globe and Mail* have shown, the Canadian media has taken a rather clear

position on issues pertaining to China and human rights. In the case of minority groups such as Uighurs and Tibetans, the newspaper sided against the Chinese government, depicting a barbaric state which had violated the sovereignty of—in the case of the Uighurs—a civilizationally-advanced nation. When reporting on cases of individuals in conflict with the state, the former were portrayed as vulnerable but brave champions of human rights pitted against a formidably devious and sinister regime. This image was presented throughout a number of stories published in that newspaper and indicates, at a minimum, a lack of balance in reporting on the subject of China and human rights. But I would assert that this indicates something broader: an ideological perspective of the progressive We versus the backward Other which therefore justifies any claims of superiority by the former. Overall, I believe that this discourse is in fact a reproduction of that which has been constructed at the official and elite level and which is inherent in Canada's current China policy. Ultimately, Canada's return to its Orientalist roots has been demonstrated within only one facet of its foreign policy, that focusing on China. But the outcome of the Celil case suggests that it has been a failure, and requires modification and recognition of China's perception of Canada's actions toward it. As China gains increasing power in the international community, Canada must learn to act in a manner which reflects the new world order, not the old.

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